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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (II)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government
of India (other than the Ministry of Defence)

वित्त विभाग
(राजस्व विभाग)
नई दिल्ली, 9 दिसम्बर, 1993
(प्रायकर)

नई दिल्ली, 12 जनवरी, 1994
(प्रायकर)

का. आ. 770.—प्रायकर अधिनियम, 1961
(1961 का 43) की धारा 89-छ की उपधारा (2) के
खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय
सरकार एतद्द्वारा "श्री रंगनाथ पेरुमल टेम्पल, तिरुनेरमलाई,
मद्रास" को सम्पूर्ण तमिलनाडु राज्य में एक प्रतिष्ठित
सार्वजनिक पूजा स्थल के रूप में उक्त खंड के प्रयोजनार्थ
अधिसूचित करती है।

[अधिसूचना सं. 9493/का सं. 176/46/93 प्रायकर नि-I]
शरत चन्द्र, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi, the 9th December, 1993
(INCOME-TAX)

S.O. 770.—In exercise of the powers conferred by clause
(b) of sub-section (2) of Section 80G of the Income-tax Act,
1961 (43 of 1961), the Central Government hereby notifies
the "Sri Ranganatha Perumal Temple, Thirunelmalai,
Madras" to be a place of Public Worship of renown through-
out the State of Tamil Nadu for the purpose of the said
clause.

[Notification No. 9493/F. No. 176/46/93-ITA-II]
SHARAT CHANDRA, Under Secy.

का. आ. 771.—प्रायकर अधिनियम, 1961
(1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड
(V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय
सरकार एतद्द्वारा "मारथोमा सिरिअन चर्च आफ मालाबार,
केरल" को कर-निर्धारण वर्ष 1990-91 से 1992-93
तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए
उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :-

(i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा
इसकी आय का हस्तेमाल करने के लिए इसका
संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के
लिए करेगा, जिनके लिए इसकी स्थापना की गई है

(ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण
वर्षों की संगत पूर्ववर्ती वर्षों की किसी भी अवधि
के दौरान धारा 11 की उपधारा (5) में विनि-
ष्ट किसी एक अथवा एक से अधिक दंग अथवा
तारीकों से भिन्न तरीकों से इसकी निधि (जेवर
जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा

रख-रखाव में स्वीकृत अंशदान से भिन्न का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9454/फा सं० 197/34/92-आयकर नि०-I]

शरत चन्द्र, अवर सचिव

New Delhi, the 12th January, 1994

(INCOME-TAX)

S.O. 771.—In exercise of the powers conferred by sub-clause (i) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies "Mar Thoma Syrian Church of Malabar, Kerala" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9454/F. No. 197/34/92-ITA-I]
SHARAT CHANDRA, Under Secy.

नई दिल्ली, 24 जनवरी, 1994

(आयकर)

फा० आ० 772—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अर्पणा न्यास, करनाल (हरियाणा)" को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपाय के प्रयोजनार्थ अधिसूचित करती है, अर्थात्—

- (i) कर-निर्धारिती उनकी आय का हस्तमाल अथवा इसकी आय का हस्तमाल करने के लिए इसका

नक्षयन पूर्णतया तथा अनक्षयतया उक्त उद्देश्यों के लिए करेगा जिनके लिए उनकी स्थापना की गई है;

- (ii) कर-निर्धारिती ऊपर उपलिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वेल्स जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वीकृत अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9463/फा सं० 197/159/93-आयकर नि०-I]

शरत चन्द्र, अवर सचिव

New Delhi, the 24th January, 1994

(INCOME-TAX)

S.O. 772.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arpana Trust, Karnal (Haryana)" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9463/F. No. 197/159/93-ITA-I]
SHARAT CHANDRA, Under Secy

नई दिल्ली, 24 जनवरी, 1994

(आयकर)

फा० आ० 773.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के

उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गौड सारस्वत ब्राह्मणस टेम्पल ट्रस्ट, बम्बई" को कर निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिणी इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संवयन पूर्णतया तथा अन्तर्गतता उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है.
- (ii) कर-निर्धारिणी ऊपर उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से इसकी निधि (जवर जवाहिरात, फर्निचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9462/फा सं 197/68/91 आयकर-वि.1]

नरत चन्द्र, अवर सचिव

New Delhi, the 24th January, 1994

(INCOME-TAX)

S.O. 773.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Goud Saraswat Brahmins Temple Trust, Bombay" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9462/F. No. 197/68/91-IT-1]

SHARAT CHANDRA, Under Secy.

(अर्थिक कार्य विभाग)

नई दिल्ली, 23 फरवरी, 1994

का. आ. 774.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग). नियमावली, 1976 के नियम-10 के उप नियम (4) के अनुसरण में (वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय जीवन बीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत में अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. शाखा कार्यालय, चांदपोल रोड के बाहर, सोजतसिटी (राज.)
2. शाखा कार्यालय, फलीदी (राज.)
3. शाखा कार्यालय, जोधपुर (राज.)
4. शाखा कार्यालय, आबू रोड (राज.)
5. शाखा कार्यालय, बाली (राज.)
6. शाखा कार्यालय, जैतारण (राज.)
7. शाखा कार्यालय, सांचौर (राज.)
8. समूह बीमा शाखा कार्यालय, जोधपुर
9. शाखा कार्यालय, यूनिट-2, पाली (राज.)

[सं. 11013/4/94-हि. का. क]

मुख्य सचिव, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 23rd February, 1994

S.O. 774.—In pursuance of Sub-Rules (4) of Rule 10 of the Official Language (Use for Official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following Offices of the Life Insurance Corporation of India (Under the Administrative Control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi.

1. Branch Office, Out of Chandpol Gate, Sojcity (Rajasthan)
2. Branch Office, Falaudi (Rajasthan)
3. Branch Office, Jodhpur (Rajasthan)
4. Branch Office, Abburoad (Rajasthan)
5. Branch Office, Ball (Rajasthan)
6. Branch Office, Jaitaran (Rajasthan)
7. Branch Office, Sanchour (Rajasthan)
8. Group Insurance Branch Office, Jodhpur
9. Branch Office, Unit-2, Puli (Rajasthan).

[No. 11013/4/94-HIC]

SUDHEER KUMAR VERMA, Under Secy.

(बैंकिंग प्रभाग)

नई दिल्ली, 7 मार्च, 1994

का. आ. 775.—रूपण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 (1986 का 1) की धारा 6 की उपधारा (2) के साथ पठित धारा 4 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, श्री के. डी. सक्सेना, भारतीय प्रशासनिक सेवा (म. प्र. : 61), वर्तमान सचिव, वस्त्र मंत्रालय को उनके कार्यभार ग्रहण करने की तारीख से 31 अगस्त, 1997 तक की अवधि के लिए औद्योगिक तथा वित्तीय पुनर्निर्माण बोर्ड के सदस्य के रूप में नियुक्त करती है।

[सं. 7/4/94 बी. ओ.-I]

एम. एस. सीतारामन, अवर सचिव

(Banking Division)

New Delhi, the 7th March, 1994

S.O. 775.—In pursuance of the powers conferred by sub-section (2) of Section 4 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985 (y of 1986), the Central Government hereby appoints Shri K. D. Saksena, IAS (MP : 61) presently Secretary, Ministry of Textiles, as a Member of the Board for Industrial and Financial Reconstruction for the period from the date of his taking charge and upto 31st August, 1997.

[No. 7/4/94-BO.T]

M. S. SEETHARAMAN, Under Secy.

आयकर महानिदेशक (अन्वेषण) पश्चिम कार्यालय

अहमदाबाद, 7 फरवरी, 1994

(आयकर)

का. आ. 776.—मुख्य आयकर आयुक्त, अहमदाबाद एवं आयकर महानिदेशक, (अन्वेषण) पश्चिम, अहमदाबाद द्वारा जारी अधिसूचना का. नं. आ. उ.आ. (मुख्या)-1/2/4-1/93/94 तारीख 25-1-1994 में आंशिक संशोधन करते हुए तथा आयकर अधिनियम, 1961 की धारा 120 की उप धारा (1) के द्वारा एवं उक्त धारा के तहत केन्द्रीय प्रत्यक्ष कर बोर्ड द्वारा इस संबंध में जारी अधिसूचना एम. ओ. नं. 45 (ई) तारीख 21-1-1994 के द्वारा निम्नहस्ताक्षरी को प्रदत्त शक्तियों का प्रयोग करते हुए, आयकर महानिदेशक (अन्वेषण) पश्चिम, अहमदाबाद एतद्वारा अनुसूची के क्रमांक 18 की प्रविष्टि में निम्नानुसार ता. 7-2-1994 से संशोधन करते हैं :

अनुसूची

क्रमांक	मुख्यालय सहित आयकर आयुक्त (अपील प्रभार)	पारित किए गए आदेशों के खिलाफ अपीलों पर अधिकारिता
18.	आयकर आयुक्त (अपील)-6 अहमदाबाद	(1) आयकर उप आयुक्त केन्द्रीय रेंज-2, अहमदाबाद निर्धारण अधिकारी केन्द्रीय सर्कल, राजकोट सहित उनके अधीन के सभी निर्धारण अधि. (2) आयकर उप आयुक्त (निर्धा) विशेष रेंज (केन्द्रीय), अहमदाबाद (3) अहमदाबाद में कार्यरत सभी आयकर उप निदेशक (अन्वेषण)

2. आदेश नं. सु. आ. / स्था / 108-4/93-94 तारीख 7-2-1994 के अनुसार आय. उप. आयु. (निर्धा) विशेष रेंज केन्द्रीय, अहमदाबाद प्रभार के सृजन के फलस्वरूप यह संशोधन आवश्यक हो गया है।

[का. सं. आ. म. नि. अहमदाबाद/प्रशा.-41/93-94]

पी. एन. भित्तल, आयकर महानिदेशक

OFFICE OF THE DIRECTOR GENERAL OF INCOME-TAX (INVESTIGATION) WEST

Ahmedabad, the 7th February, 1994

(Income-tax)

S.O. 776.—In partial modification of the Notification F. No. DC(HQ) I-II/IV-1/93-94 dated 25-1-1994 issued by the Chief Commissioners of Income-tax, Ahmedabad and the Director General of Income-tax (Investigation), West, Ahmedabad and in exercise of the powers conferred on the undersigned by sub-section (1) of Section 120 of the Income-tax Act, 1961 and by Notification S.O.No.45(E) dated 21-1-1994 issued by the Central Board of Direct Taxes in this behalf under the said section, the Director General of Income-tax (Inv), West, Ahmedabad he by directs the following modification in schedule in respect of the entry at Serial No. 18 w.e.f. 07-02-1994.

SCHEDULE

Sr. Charge of the CIT No. (Appeals) with Hqrs.	Jurisdiction over appeals against the orders passed by
1	2
18. Commissioner of Income-tax (Appeals)-VI, Ahmedabad	(i) The Deputy Commissioner of Income-tax, Central Range-2 Ahmedabad, assessing officers under him including assessing officers in Central circles at Rajkot.

(ii) The Deputy Commissioner of Income-tax, (Asstt.) Spl. Range (Central), Ahmedabad.

(iii) All the Deputy Directors of Income-tax (Investigation) stationed at Ahmedabad.

2. This amendment has become necessary consequent on creation of charge of D.C. (Asstt.) S.R. Central, Ahmedabad vide order No. CC/Est/108-4/93-94 dated 7-2-1994.

[F.No. DG/AHD/Adm. 41/93-94]

P.N. MITTAL, Dir. Gen. of Income-tax

मानव संसाधन विकास मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 25 फरवरी, 1994

का. आ. 777—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के अनुसरण में मानव संसाधन विकास मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालयों को, जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करते हैं :—

1. संगीत नाटक अकादेमी,
रवीन्द्र भवन, फिरोजशाह रोड,
नई दिल्ली
2. राष्ट्रीय नाट्य विद्यालय,
बहावलपुर हाउस,
भगवानदास रोड, नई दिल्ली

[सं० 1 / 1/93 हिन्दी]

जी. वेंकटरमणी, निदेशक

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Culture)

New Delhi, the 25th February, 1994

S.O. 777.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Offices under the Ministry of Human Resource Development, Department of Culture, more than 80 per cent staff of which has acquired working knowledge of Hindi :—

1. Sangeet Natak Akademi, Rastindra Bhavan, Feroze Shah Road, New Delhi-110001.
2. National School of Drama, Bahawalpur House, Bhagwandas Road, New Delhi-110001.

[No. 1-1/93-Hindi]

G. VENKATARAMANI, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 जनवरी, 1994

का. आ. 778—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रयोजन सरकारी क्षेत्र के उद्योगों के निम्नलिखित कार्यालयों को जिनके कर्मचारी वृद्ध से हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करते हैं :—

1. इंजीनियर्स इंडिया लि., अनुसंधान एवं विकास केन्द्र चन्द्र नगर, सेक्टर-16, जयपुर राजमार्ग, गुडगावा (हरियाणा)
2. इंजीनियर्स इंडिया लि., एन पी जी रिफाइनरी परियोजना, गुना-473001 (म.प्र.)
3. इंजीनियर्स इंडिया लि., मॉरिंग पेट्रोकेमिकल्स कॉम्प्लेक्स, माईट गेन बिहार दिव्यापुर, डाकघर सेहूल्, जिला : इटावा-206244 (उ.प्र.)
4. इंजीनियर्स इंडिया लि., बम्बई गैस कार्यालय एक्सप्रेस प्रदावरनरीमन पार्क, बम्बई - 400021
5. इंजीनियर्स इंडिया लि. पेट्रोकिम कॉम्प्लेक्स लि., डाकघर बालिया 393135 बिहार भोजपुर
6. इंजीनियर्स इंडिया लि., हुजौरा कॉम्प्लेक्स हुजौरा, डाकघर भाटा, जिला : सुरत - 394510.
7. इंजीनियर्स इंडिया लि., गंधार आयल फील्ड, गंधार जिला भंडाच, तहसील बांगडा, डाकघर सबवल - 392140 (गुजरात)
8. इंजीनियर्स इंडिया लि., सी आर एन ऐरोमेटिक परियोजना डाकघर अम्बाला मुगल, जिला काशीर पिन - 832302 (केरल)
9. इंजीनियर्स इंडिया लि., जी. ई. डी प्रोजेक्ट, मंगलौर मार्ग, एन एम पी टा परिवर, पो बा. सं. 12 डाकघर पादाम्युर, मंगलौर-575010.
10. इंजीनियर्स इंडिया लि., 14 अलन्दधान सोमाईटी, नजदीक किरण पार्क, न्यूबाहाल, अहमदाबाद - 380013.
11. इंडियन आयल कारपोरेशन लि., इंडेन एरिया कार्यालय, कपूरथला कॉम्प्लेक्स, अरीयोज, लखनऊ (उ.प्र.)
12. आई. बी. पी. क. लिमिटेड प्लाट सं० 6 ए, सेक्टर 19-बी, चंडीगढ़

[फा. सं. 11011 / 1 / 93 हिन्दी]

कृष्ण चन्द्र कटोच, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 18th January, 1994

S.O. 778.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the control of the Ministry of Petroleum & Natural Gas, the staff whereof have acquired 80 percent working knowledge of Hindi :

1. Engineers India Limited, Research & Development Centre, Chander Nagar, Sector-16, Jaipur, National High Way, Gurgaon (Haryana)
2. Engineers India Limited, LPG Recovery Project, GUNA-473001 (MP)
3. Engineers India Limited, Aurava Petro-chemicals Complex site GAIL Vihar, Divivapur, PO : Sehul Distt. Etawah-206244 (UP).

4. Engineers India Limited
Bombay Branch Office
Express Tower, Nariman Point
Bombay-400 021
5. Engineers India Limited
Petrofills Corporation Limited
PO : Vaha-393135
Distt. : Bharauch.
6. Engineers India Limited
Hajira Complex, Hajira
Post Office : Bhata
District : Surat-394510
7. Engineers India Limited
Gandhar Oil Field, Gandhar
District : Bharauch, Tehsil : Gograh
Post Office : Chachvat-392140 (Gujarat)
8. Engineers India Limited
CRL Aeromatic Project
Post Office : Ambalamugal District : Cochin
Pin-682302 (Kerala)
9. Engineers India Limited
OED Project, Mangalore Yard
NMPT Farisar, Post Box No. 12
Post Office : Panambur, Mangalore-575010
10. Engineers India Limited
14, Anandham Society,
Near Kiran Park, New Vadoz.
Ahemdabad-380013
11. Indian Oil Corporation
Indane Area Office,
Kapurthala, Aliganj,
Lucknow-(UP).
12. IIP Co. Ltd.,
Plot No. 6A,
Sector 19B-Chandigarh.

[F. No. 11011/1/93-Hindi]

K. C. KATOCH, Under Secy.

नई दिल्ली, 17 फरवरी, 1994

का. आ. 779.—यतः पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 978 तारीख 6-4-91 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करता है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के अर्जाओं के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस निगम लि. में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एल डब्ल्यू डी से जनवा - ईपीएम - 1 तक पाईप लाईन बिछाने के लिए।

राज्य - गुजरात जिला व तालुका - मेहसाणा

गांव	सर्वे नं.	हे.	आर.	सेन्टी०
1	2	3	4	5
जनवा	374/1	0	00	48
	374/2	0	10	20
	383/2	0	01	68
	384/1/पी	0	00	72
	384/1/पी	0	11	16
	448	0	04	44
	447	0	05	04
	445	0	07	56
	452	0	07	20
	453	0	01	68
	437/1	0	06	36
	436	0	05	76

[सं आ-11027/6/91-ओ एन जी-डी IV]

ए. माटिन, डेस्क अधिकारी

New Delhi, the 17th February, 1994

S.O. 779.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 978 dated 6-4-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Co. Ltd. free from all encumbrances.

SCHEDULE

Pipeline from LWPA to LANWA FPS-I.

State : Gujarat District : Mehsana Taluka : Mehsana

Village	Survey No.	Hectare	Arc	Centiare
Lanwa	374/1	0	00	48
	374/2	0	10	20
	383/2	0	01	68
	384/1/P	0	00	72
	384/1/P	0	11	16
	448	0	04	44
	447	0	05	04
	445	0	07	56
	452	0	07	20
	453	0	01	63
	437/1	0	06	36
	436	0	05	76

[No. O-11027/0/91-ONG.D.-III]

M. Martin, Desk Officer

नई दिल्ली, 17 फरवरी, 1994

का. आ. 780.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 495 तारीख 16-2-91 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार

में, निहित होने की क़ायम नेत और प्राकृतिक गैस निगम लि० में, सभी बाधाओं से मुक्त रूप में पोषण के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

चोकानी टी बिन्दु से जिष्को तक पाइपलाइन बिछाने के लिए (नया)

राज्य -- गुजरात	जिला -- बड़ोदा	तालु. -- पादरा		
गांव	ब्लाक नं.	इ.	आर.	सेन्टी.
1	2	3	4	5
लूना	380	0	16	44
	381	0	13	20
	402	0	27	08
	430	0	56	79
	कार्ट ट्रैक	0	02	00
	446	0	24	78
	439	0	08	00
	445	0	12	10
	442	0	09	15
	441	0	02	62
	440	0	11	60
	507	0	17	60
	513	0	03	60
	512	0	03	80
	519	0	01	80
	520	0	15	80
	518	0	14	60
	533	0	02	50
	534	0	02	50
	535	0	02	50
	536	0	02	50
	537	0	02	50
	538	0	02	50
	539	0	04	18
	532	0	01	50
	545	0	01	25
	544	0	06	47
	कार्ट ट्रैक	0	01	40
	568	0	15	60
	569	0	12	20
	570	0	09	38

[सं. ओ-11027/200/90-ओएनजीसी-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 17th February, 1994

S.O. 780.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O.

No. 495 dated 16-2-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government :

... whereas the Central Government has considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Co. Ltd. free from all encumbrances.

SCHEDULE

Pipeline from Chokari 'T' Point to GIPCO (Revised)
State : Gujarat District : Vadodra Taluka : Padra

Village	Block No.	Hectare	Ac.	Centiare
1	2	3	4	5
Luna	380	0	16	44
	381	0	13	20
	402	0	27	08
	430	0	56	79
	Cart track	0	02	00
	446	0	24	78
	439	0	08	00
	445	0	12	10
	442	0	09	15
	441	0	02	62
	440	0	11	60
	507	0	17	60
	513	0	03	60
	512	0	03	80
	519	0	01	80
	520	0	15	80
	518	0	14	60
	533	0	02	50
	534	0	02	50
	535	0	02	50
	536	0	02	50
	537	0	02	50
	538	0	02	50
	539	0	04	18
	532	0	01	50
	545	0	01	25
	544	0	06	47
	Cart track	0	01	40
	568	0	15	60
	569	0	12	20
	570	0	09	38

[No. O-11027/200/90-O.N.G.D-III]
M. MARTIN, Desk Officer.

नई दिल्ली, 17 फरवरी, 1994

का. प्रा. 781.—यत् पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिपूषता का. प्रा. सं. 3111 तारीख 24-11-90 द्वारा केन्द्रीय सरकार ने उस अधिपूषता में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को प्राप्त करने के लिए अर्जित करने का अवसर प्रोत्साहित कर दिया था।

और अतः उक्त अधिपूषता में उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिपूषता में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करता है कि इस अधिपूषता में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पारंपरिक विद्यो के प्रयोग के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्दिष्ट करती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होतः का. प्रा. सं. 3111 और प्राकृतिक गैस नियम नि. में संशोधनों में सुधार के माध्यम से धारणा के प्रकाशन की इस तारीख को निश्चित होगा।

अनुसूची

एन. के. एन. ग. में एन. के. डी. नो. (141) तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : अहमदाबाद तालुका : चिरमनगम

सं. नं.	क्ष.	आर.	सं.
भटारीया	10/1	0	02
	10/2	0	00
	10/1	0	05
	18	0	13
	19/2	0	07

[न. ओ. 11027/134/90 ओ.एन.जी.डी.-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 17th February, 1994

S.O. 781.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 3141 dated 24-11-90 under sub section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Co. Ltd. free from encumbrances.

SCHEDULE

PIPELINE FROM NKHC TO NKDG (144)

State : Gujarat District : Ahmedabad, Taluka : Viramgam

Village	Survey No.	Hect- tare	Acre	Cen- tiare
Bhatariya	19/3	0	02	52
	19/2	0	00	96
	19/1	0	05	52
	18	0	13	32
	19/2	0	07	80

[No. O-11027/134/90 ONGD-III]

M. MARTIN, Desk Officer

नई दिल्ली, 17 फरवरी, 1994

का. मा. 782.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. मा. सं. 3149 तारीख 24-11-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का वाइलान्डिंग को विछाने के लिए अर्जित करने का शक्ति प्राण्य घोषित कर दिया था ;

और यतः मध्यम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करके के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवम्वाला घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिए एवम्वाला अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने को बजाय तेल और प्राकृतिक गैस निगम लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

680 GI/94-2.

अनुसूची

स्टेल्यू डब्ल्यू टी पी. से दादर नदी तक पाइप लाइन विछाने के लिए

राज्य—गुजरात जिला — धरुच तालुका—आमोद

गाँव	ब्लॉक नं०	हे.	एकर	सेन्टेयर
देनवा	475	0	27	04
	474	0	09	36
	480	0	15	60
	482	0	00	64
	472	0	10	40
	कार्टेडूफ	0	02	60
	470	0	03	25
	468	0	18	72
	469	0	14	56
	459	2	81	18

[सं. ओ-11027/118/90 ओ एन जी. सी-III]

एम० मार्टिन, डेस्क अधिकारी

New Delhi, the 17th February, 1994

S.O. 782.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3149 dated 24-11-90 under sub-section (1) of Section 3 the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Co. Ltd. free from encumbrances.

SCHEDULE

PIPELINE FROM WWTP TO DHADHAR RIVER

State : Gujarat District : Bharuch Taluka : Amod

Village	Block No.	Hec- tare	Acre	Cen- tiare
Denwa	475	0	27	04
	474	0	09	36
	480	0	15	60
	482	0	00	64

New Delhi, the 17th February, 1994

S.O. 783.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3148 dated 24-11-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Co. Ltd. free from encumbrances.

SCHEDULE

PIPELINE FROM BCAD TO BECHRAJI EPS

State : Gujarat District : Mehsana Taluka : Chanasma

Village	Survey No.	Hect-arc	Are	Centiare
RANTEJ	757/22	0	09	12
	757/14	0	01	20
	757/25	0	01	08
	757/15	0	17	88
	757/16	0	10	44
	757/9	0	16	08
	757/8	0	09	12
	757/5	0	08	16
	757/6	0	16	92

[No. O-11027/113/90-ONG-D-III]

M. MARTIN, Desk Officer

नई दिल्ली, 17 फरवरी, 1994

का. अ. 784.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय अधिसूचना का. अ. सं. 2608 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है।

[No. O-11027/118/90-ONG D-III]

M. MARTIN, Desk Officer

नई दिल्ली, 17 फरवरी, 1994

का. अ. 783.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय अधिसूचना का. अ. सं. 3148 तारीख 24-11-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन करती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से तब और प्राकृतिक गैस नियम लि. में, सभी आधारा से मुक्त रूप में आप्रयोग के प्रकाशन की तारीख को निहित होगा।

अनुसूची

बी. सी. ए. डी. स. बेचराजी ई. पी. एस. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : मेहसाणा तालुका : चाणसभा

सर्वे	सर्वे नं.	हे.	आर.	सें.
रन्तेज	757/22	0	09	12
	757/14	0	01	20
	757/25	0	01	08
	757/15	0	17	88
	757/16	0	10	44
	757/9	0	16	08
	757/8	0	09	12
	757/5	0	08	16
	757/6	0	16	92

[सं. ओ-11027/113/90 ओ एन जी -डी III]

एम. मार्टिन, डेस्क अधिकारी

कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और गैस निगम लि. में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन जी जे से ई पी एस तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तालुका : वागरा			
गांव	ब्लॉक नं.	हे.	आर.	सें.	
मुल्लेर	65	0	19	24	
	64	0	22	88	
	63	02	42	06	

[सं. आ.—11027/111/90-ओ एन जीडी-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 17th February, 1994

S.O. 784.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2608 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Co. Ltd., free from encumbrances.

SCHEDULE

PIPELINE FROM GNGJ TO E.P.S.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hect-are	Are	Centiare
MULLER	65	0	19	24
	64	0	22	88
	63	02	42	06

[No. O-11027/111/90 ONG D-III]

M. MARTIN, Desk officer

नई दिल्ली, 17 फरवरी, 1994

का. आ. 785.—यतः पेट्रोलियम और नैज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2623 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस निगम लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन एफ यू से ई पी एस तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तालुका : वागरा			
गांव	ब्लॉक	हे.	आर.	सें.	
गंधार	322/ए/बी	01	87	20	

[सं. जी. 11027/103/90-ओ एन जी डी-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 17th February, 1994

S.O. 785.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2623 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Co. Ltd., free from encumbrances.

SCHEDULE

PIPELINE FROM GNFD TO E.P.S.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hect- are	Acre	Cent- iare
Gandhar	322/A/B	01	87	20

[No. O-11027/103/90-ONG. D-III]

M. MARTIN, Desk Officer

नई दिल्ली, 17 फरवरी, 1994

का. भा. 786—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 3143 तारीख 24-11-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और प्राप्ति, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और प्राप्ति उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस निगम लि०, में, सभी बाधाओं से मुक्त रूप में धारणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन एफ जी से ई पी एस तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : सरध	तालुका : भागरा			
गांव	ब्लॉक नं.	हे.	आर.	सें.	
गंधार	311	0	42	61	
	322/ए. बी।	0	74	10	

[सं. ओ. 11027/103/90-ओ एन जी डी IV]

एम. मार्टिन, डेस्क ऑफिसर

New Delhi, the 17th February, 1994

S.O. 786.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 3143 dated 24-11-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Co. Ltd., free from encumbrances.

SCHEDULE

PIPELINE FROM GNFD TO E.P.S.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hect- tare	Acre	Cent- iare
Gandhar	321	0	42	64
	322/A/B/	0	74	10

[No. O-11027/103/90-ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 17 फरवरी, 1994

का. भा. 787.—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 2639 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और प्राप्ति, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और भागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस निगम लि. में, सभी बाधाओं से भुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी. एन. एफ. गैस से ई.पी. एस तक पाइप लाइन बिछाने के लिए।

राज्य गुजरात जिला भरुच तालुका आगरा

गांव	ब्लॉक नं.	हे.	आर.	सें.
मुलेर	63	0	98	80

[सं. ओ. 11027/79/90-ओ एन जीसी III]
एम मार्टिन, डेस्क अधिकारी

New Delhi, the 17th February, 1994

S.O. 787.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2639 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Co. Ltd., free from encumbrances.

SCHEDULE

PIPELINE FROM GNFY TO EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hect- are	Acre	Con- tate
Muller	63	0	98	80

[No. O-11027/79/90-ONG. D-III]

M. MARTIN, Desk Officer

नई दिल्ली, 11 मार्च, 1994

का. भा. 783.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पॉइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) को (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का

भा. 2683, तारीख 13 अक्टूबर, 1990 द्वारा पेट्रोलियम के परिवहन के लिए पाइप लाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अधिनियम करने के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतिया जतना को तारीख 04 फरवरी, 1993 को उपलब्ध करा दी गई थी ;

और इस अधिसूचना की अनुसूची में उल्लिखित भूमि की विनिर्दिष्टों की वास्तव मुद्रण संबंधी भूलों को ठीक करने के लिए का. भा. सं. 1903, तारीख 18 जुलाई, 1992 जारी की गई थी।

और का. भा. सं. 1903 तारीख 18 जुलाई, 1992 की अनुसूची में उल्लिखित भूमि की विनिर्दिष्टों को छोड़कर अधिसूचना सं. का. भा. 2683, तारीख 13 अक्टूबर, 1990 में उल्लिखित भूमि की विनिर्दिष्टों के बारे में कारवाई भी निहित अधि, के भीतर कर ली गई है और का. भा. सं. 36, तारीख 04 जनवरी, 1992 भूमि में उपयोग के अधिकार का अधिनियम करने के लिए जारी की गई है ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में, अधिसूचना सं. का. भा. 1903, तारीख 18 जुलाई, 1992 में उल्लिखित भूमि की विनिर्दिष्टों के संबंध में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अधिनियम किया जाना चाहिए ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अधिनियम किया जाता है ;

और केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आगे यह निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, सभी विवरणों से मुक्त, इंडियन आयल कारपोरेशन लिमिटेड में निहित होगा ;

अनुसूची

तहसील : करनाल		जिला : करनाल		राज्य : हरियाणा		
गांव का नाम	हदवस्तु सं.	मुस्तवीक किसा स	क्षेत्रफल			
			हे.	आर.	सें	
1	2	3	4	5	6	
शाबर	62	296 15/2	0	04	55	

[सं. भा. 31015/7/93 ओ भा. -1]
कूलवीप सिंह, अवर सचिव

- New Delhi, the 11th March, 1994.

S.O. 783.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2683, dated the 13th October, 1990, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50

of 1962), hereinafter referred to as the said Act, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum ;

And whereas the copies of the said Gazette notification were made available to the public on the 4th November, 1993 ;

And whereas No. S.O. 1903, dated the 18th July, 1992, for correcting the printing mistakes in respect of the land particulars mentioned in the Schedule to this notification ;

And whereas the action about the land particulars mentioned in the notification No. S.O. 2683, dated the 13th October, 1990, except the land particulars mentioned in the Schedule to No. S.O. 1903, dated the 18th July, 1992, has also been taken within the prescribed period and No. S.O. 36, dated 4th January, 1992 has been issued for acquiring the right of user in the lands ;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government with regard to the land particulars mentioned in the notification No. S.O. 1903, dated the 18th July, 1992 ;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to the said notification are hereby acquired ;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited ;

SCHEDULE

Tehsil : Karnal		District : Karnal		State : Haryana	
Name of Village	Hadbast No.	Mustateel/ Killa No.	Area		
			Hectare	Arca	Centiare))
1	2	3	4	5	6
Dachar	62	296			
		15/2	0	04	55

[No. R-31015/7/93-OR-I]

KULDIP SINGH, Under Secy

नई दिल्ली, 11 मार्च, 1994

का. प्र. 789—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पार्श्वपार्श्व (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की (जिसे हममें इसके पश्चात उक्त अधिनियम कहा गया है) धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. आ. 1053 तारीख 13 अप्रैल, 1991 द्वारा पेट्रोलियम के परिवहन के लिए पार्श्वपार्श्व विधान के प्रयोग के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 04 नवम्बर 1993 के उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः शक केन्द्रों सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आगे यह निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी वित्तगतों से मुक्त इंडियन प्रायम कारपोरेशन लिमिटेड में निहित होगा :-

अनुसूची

तहसील: कैथल	जिला : कैथल	राज्य: हरियाणा
गांव का नाम	सूचक नं. / फिला नं. :	क्षेत्रफल
		इ. आर. बर्ग मीटर
घानपुर	25 21	
	18	0 04 05

[नं. आर 31015/7/93 ओ आर -I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 11th March, 1994

S.O. 789.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1053, dated the 13th April, 1991, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum.

And whereas the copies of the said Gazette notification were made available to the public on the 4th November, 1993;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired.

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited:—

SCHEDULE

Tehsil : Kaithal		District : Kaithal		State : Haryana	
Name of Village	Hadbast No.	Mustateel/ Killa No.	Area		
			Hectare	Are	Centiare
1	2	3	4	5	6
Khanpur	25	21			
		18	0	04	05

[No. R-31015/7/93-OR-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 11 मार्च, 1994

का. आ. 790—केन्द्रीय सरकार ने, पेट्रोलियम और धमिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की (जिसे इसमें इसने पश्चात् उक्त अधिनियम कहा गया है) धारा 3 की उपधारा (1) को अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 1054, तारीख 13 अप्रैल, 1991 द्वारा पेट्रोलियम के परिवहन के लिए पाईपलाइन बिछाने के प्रयोग के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 10 जुलाई 1993 को उपलब्ध करा दी गई थी ।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है ।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है

कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ;

और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आगे यह निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, सभी विश्लेषकों से मुक्त इंडियन आयल कारपोरेशन लिमिटेड में निहित होगा :-

अनुसूची

तहसील : अर्वा	जिला : करनाल	राज्य : हरियाणा
गांव का नाम	वृद्धस्त नं. मुखतीवत.	अंकन -
	फिदा नं.	
	कानन सरना है.	आर. वर्गमोटर
कुलसंख्या 41	100	
	21	2 15 0 13 91

[संख्या आर 31015/7/93 जो आर -I]

कउरीप सिंह, अवर सचिव

New Delhi, the 11th March, 1994

S.O. 790.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1054, dated the 13th April, 1991, Issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum.

And whereas the copies of the said Gazette notification were made available to the public on 10th July, 1993.

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired.

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in the Indian Oil Corporation Limited:—

SCHEDULE

Tehsil : Assandh		District : Karnal		State : Haryana	
Name of Village	Hadbast No.	Mustateel/ Kill No.	Area		
			Hectare	Are	Centiare
1	2	3	4	5	6
Rugsana	41	100			
		21	0	13	91

[R.-31015/7/93-OR-I]

Sd/-

KULDIP SINGH, Under Secy.

नई दिल्ली 11 मार्च, 1994

का. आ. 791—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पार्श्व सार्जन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी की गई और भारत के राजपत्र भाग 2, खण्ड -3, उपखण्ड (ii) की पृष्ठ 3910 और 3913 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संसालय की अधिसूचना सं. का. आ. 2758 और 2761 तारीख 18 दिसम्बर 1993 द्वारा घोषित किया कि पेट्रोलियम के परिवहन के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पार्श्वसार्जन बिन्दुओं के लिए उपयोग के अधिकार का अर्जन किया जाए।

और जबकि केन्द्रीय सरकार के ध्यान में लाया गया है कि राजपत्र में प्रकाशित उक्त अधिसूचना में मुद्रण संबंधी कुछ गलतियाँ हैं

अतः अब केन्द्रीय सरकार उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित संशोधन करती है:—

का. आ. 2758

पृष्ठ 3910 : अनुसूची में जिला के सामने "अजमेर" के स्थान पर "अजमेर" पढ़े।

का. आ. 2761

पृष्ठ 3913 गांव का नाम स्वम्भ के नीचे "पिलावनी घेनड़ी" के स्थान पर "पिलावनी" पढ़े।
गांव का नाम स्वम्भ के नीचे खसरा नम्बर 868 के आगे "घेनड़ी" पढ़ें।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आगे यह निवेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी बिल्लगनों से मुक्त इंडियन प्रायण कारपोरेशन लिमिटेड में निहित होगा।

[संख्या आर 31015/24/92-ओ आर-I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 11th March, 1994

S.O. 791.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, No. S.O. 2758 and 2761 dated the 18th December, 1993, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), at pages 1910 and 1913, issued under sub-section (1) of section 6 of Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared that the right of user in the lands specified in the

Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum should be acquired;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows:

in No. S.O. 2758, at page 3911, in Village Bagsurt, against Khasra No. 415, in column 5, for "9" read "93"; in column 2, for Khasra No. "478" read "498",

in No. S.O. 2761, at page 3913, in column 1, for the word "Dhenri" read "Ghenri".

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government directs, that the right of user in the land shall instead of vesting in the Central Government, vest free from all encumbrances, in the Indian Oil Corporation Limited.

[No. R-31015/24/92-OR-I]
KULDIP SINGH, Under Secy.

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 9th March, 1994

S.O. 792:—In pursuance of clause (d) of section 4 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates the following persons to be member of the All India Institute of Medical Sciences, New Delhi, namely:—

1. Shri S.V. Giri,
Secretary,
Deptt. of Education,
Ministry of Human Resource Development,
New Delhi.
2. Smt. A.P. Ahluwalia,
Joint Secretary and Financial Adviser,
Ministry of Health & Family Welfare,
New Delhi.

Representative of the Ministry of Human Resource Development, Department of Education.

Representative of the Ministry of Finance.

[No. V. 16011/2/93-ME(PG)(i)]
T.K. DAS, Jt. Secy.

नई दिल्ली, 9 मार्च, 1994

का.आ. 793.—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा-4 के खंड (क) के अनुसरण में केन्द्र सरकार एतद्वारा प्रो. पी. एन. श्रीवास्तव, वैज्ञानिक और औद्योगिक अनुसंधान परिषद् के मेवाभूक्त वैज्ञानिक, न्यूक्लियर विज्ञान केन्द्र, जवाहरलाल नेहरू विश्वविद्यालय परिसर, पी. ओ. बास-10502, नई दिल्ली को जो भारतीय विज्ञान कांग्रेस एसोसिएशन का प्रतिनिधित्व करने वाले एक गैर-चिकित्सीय वैज्ञानिक है और निम्नलिखित 680 GI/94-3.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 9 मार्च, 1994

का.आ. 792.—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा-4 के खंड (घ) के अनुसरण में केन्द्र सरकार एतद्वारा निम्नलिखित व्यक्तियों को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली के सदस्यों के रूप में नामित करती है, अर्थात्:—

1. श्री एस. वी. गिरि, मानव संसाधन विकास सचिव, मंत्रालय, शिक्षा विभाग के प्रतिनिधि, मानव संसाधन विकास मंत्रालय, नई दिल्ली।
2. श्रीमती ए. पी. अहलुवालिया, संयुक्त सचिव तथा वित्त मंत्रालय के प्रतिनिधि सलाहकार, स्वास्थ्य और परिवार कल्याण मंत्रालय, नई दिल्ली।

[सं. वी. 16011/2/93-एम.ई. (पी.जी.) (i)]
टी. के. दास, संयुक्त सचिव

व्यक्तियों को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली के सदस्यों के रूप में नामित करती है, अर्थात्:—

1. श्री बी. शंकरानन्द, स्वास्थ्य और परिवार कल्याण मंत्री
2. श्री एम. एस. दयाल, सचिव, स्वास्थ्य विभाग
3. प्रो. जे. एस. बजाज, सदस्य, योजना आयोग, नई दिल्ली

4. प्रो. पी. चन्द्रा,

भूतपूर्व डीन, अखिल भारतीय आयुर्विज्ञान संस्थान,
नई दिल्ली।

[सं. वी. 16011/2/93-एम.ई. (पी. जी.) (ii)]

टी. के. दास, संयुक्त सचिव

New Delhi, the 9th March, 1994

S.O. 793.—In pursuance of clause (e) of the section 4 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates Prof. P. N. Srivastava, CSIR Emeritus Scientist, Nuclear Science Centre, JNU Campus, P.O. Box 10502, New Delhi, a non-medical scientist representing the Indian Science Congress Association and the following persons to be members of the All India Institute of Medical Sciences, New Delhi, namely :

1. Shri B. Shankaranand,
Minister of Health and
Family Welfare
2. Shri M. S. Dayal,
Secretary,
Department of Health
3. Prof. J. S. Bajaj,
Member, Planning Commission,
New Delhi
4. Prof. P. Chandra,
Former Dean, AIIMS
New Delhi.

[No. V-16011/2/93-ME(PG)(ii)]

T. K. DAS, Jt. Secy.

नई दिल्ली, 9 मार्च, 1994

का. आ. 794.—अखिल भारतीय आयुर्विज्ञान संस्थान नियम, 1958 के नियम-3 के साथ पठित अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा-4 के खंड-च के अनुसरण में केन्द्र सरकार एतद्वारा निम्नलिखित व्यक्तियों को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली के सदस्य के रूप में नामित करती है, अर्थात् :—

1. डा. एम. जी. मुत्तुकुमारसामी, कुलपति, अन्नामलाई यूनिवर्सिटी,
अन्नामलाई नगर-608002
2. प्रो. सी. एम. हबीबुल्ला,
प्रधानाचार्य,
उस्मानीय मेडिकल कालेज,
हैदराबाद (आंध्र प्रदेश)
3. डा. एस. एन. पी. सिन्हा,
प्रधानाचार्य,
पटना मेडिकल कालेज अस्पताल,
पटना (बिहार)

4. डा. पी. एल. नवलखा,
प्रधानाचार्य,
एम. एम. एस. मेडिकल कालेज,
जयपुर (राजस्थान)

[सं. वी. 16011/2/93-एम.ई. (पी. जी.) (iii)]

टी. के. दास, संयुक्त सचिव

New Delhi, the 9th March, 1994

S.O. 794.—In pursuance of clause (f) of section 4 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956) read with the rule 3 of the All India Institute of Medical Sciences Rules, 1958, the Central Government hereby nominates the following persons to be Members of the All India Institute of Medical Sciences, New Delhi, namely :

1. Dr. M. G. Muthukumarasamy,
Vice-Chancellor,
Annamalai University,
Annamalainagar-608002.
2. Prof. C. M. Habibullah,
Principal,
Osmania Medical College,
Hyderabad (Andhra Pradesh).
3. Dr. S. N. P. Sinha,
Principal,
Patna Medical College Hospital,
Patna (Bihar).
4. Dr. P. L. Nawalakha,
Principal
S. M. S. Medical College,
Jaipur (Rajasthan).

[No. V-16011/2/93-ME(PG)(iii)]

T. K. DAS, Jt. Secy.

नई दिल्ली, 6 मार्च, 1994

का. आ. 795 :—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा-7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा श्री बी. शंकरानन्द, स्वस्थ और परिवार कल्याण मंत्री तथा अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली के सदस्य को उक्त संस्थान के अध्यक्ष के रूप में नामित करती है।

[सं. वी. 16011/2/93-एम.ई. (पी. जी.) (iv)]

टी. के. दास, संयुक्त सचिव

New Delhi, the 9th March, 1994

S.O. 795.—In exercise of the power conferred by sub-section (1) of section 7 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates Shri B. Shankaranand, Minister of Health and Family Welfare and a member of the All India Institute of Medical Sciences, New Delhi to be the President of the said Institute.

[No. V-16011/2/93-ME(PG)(iv)]

T. K. DAS, Jt. Secy.

दिल्ली विकास प्राधिकरण
सार्वजनिक सूचना
नई दिल्ली, 18 मार्च, 1994

का. आ. 796.—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (2) में प्रकाशित निम्नलिखित राजपत्र अधिसूचनाओं में आंशिक संशोधन करते हुए एतद्वारा जनता की सूचना के लिए अधिसूचित किया जाता है कि दिल्ली के उपराज्यपाल ने आपत्तियों/सुझावों को देने की निर्धारित 60 दिनों की अवधि में 30 दिन की अवधि और बढ़ा दी गई है। यथार्थतः अब आपत्तियों/सुझावों को देने की अवधि प्रारम्भिक अधिसूचनाओं सार्वजनिक नोटिसों की तारीख से 90 दिनों की है।

क्रम सं.	विषय	सार्वजनिक सूचना	एस. ओ. सं.	तिथि
1.	नई दिल्ली के बंगलो जोन का निरूपण एवं विकास नियंत्रण मानदण्ड	एफ 20(5) 92—एमपी	2880	25-12-93.
2.	जोन बी शहरी विस्तार करोलबाग के लिए क्षेत्रीय विकास योजना प्रारूप	एफ 1(18) 92 जेडपी	94	8-1-94
3.	जोन एफ (दक्षिण दिल्ली 1 के लिए क्षेत्रीय विकास योजना प्रारूप	एफ 1(22) 92 जेडपी	217	15-1-94
4.	जोन चार दीवारी के शहर (भाग ए एवं बी) के लिए क्षेत्रीय विकास योजना प्रारूप	एफ 1(28) 92 जेडपी	277	22-1-94

[एफ 20 (5) 93—एमपी पार्ट I]

विश्व मोहन बंसल, आयुक्त एवं सचिव

DELHI DEVELOPMENT AUTHORITY
FOR PUBLIC INFORMATION
New Delhi, the 18th March, 1994

S.O.796.—In partial modification of the following Gazette notifications published in the Gazette of India, Part II section 3 sub-section (ii), it is hereby notified for information of the public that the Lt. Governor of Delhi has extended the period of 30 days prescribed therein for filing objections/suggestions by 60 days, precisely speaking the total period for filing the objections/suggestions is now 90 days from the date of initial notifications/public notices.

S. No.	Subject	Public Notice No.	S.O. No.	Date
1.	Delineation of Bungalow Zone of New Delhi and Development control norms.	F 20 (5) 92—MP	2880	25-12-93
2.	Draft Zonal Development Plan for Zone B (city extension-Karol Bagh).	F 1 (18) 92—ZP	94	8-1-94
3.	Draft Zonal Development Plan for Zone F (South Delhi-I).	F 1 (22) 92—ZP	217	15-1-94
4.	Draft Zonal Development Plan for Zone Walled City (Part A&C).	F 1 (28) 92—ZP	277	22-1-94

[F. 20 (5) 92—MP—Pt. I]

V. M. BANSAL, Commissioner-cum-Secretary

श्रम मंत्रालय

नई दिल्ली, 2 मार्च, 1994

का.आ. 797—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उसे दिनांक 9-2-94 को प्राप्त राजस्थान स्टेट टंगस्टन डेवलपमेंट कार्पो. प्रबन्धन के संबंध कर्मकारों और नियोक्ताओं के बीच हुए औद्योगिक विवाद के संबंध में अनुबन्ध में यद्योक्त केन्द्रीय सरकार औद्योगिक अधिकरण बीकानेर के पंचाट को प्रकाशित करती है।

[सं. एल-29012/25/89-आई. आर. (विविध)
बी.एम. डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 2nd March, 1994

S.O. 797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bikaner as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rajasthan State Tungsten Development Corp. Ltd., and their workmen, which was received by the Central Government on 9-2-94.

[No. L-29012/25/89-IR(Misc.)]

B. M. DAVID, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, बीकानेर

केन्द्रीय औ.वि. प्रसंग सं० 3 सन् 1989

अध्यक्ष टंगस्टन माईन्स मजदूर संघ,

---प्रार्थी/संघ

डेगाना जिला नागौर

बनाम

महाप्रबन्धक, भार.एस.टी.डी.सी. लि., अप्रार्थी/नियोजक
सी-196, उदयमार्ग, तिलक नगर, जयपुर

रैफरेन्स अन्तर्गत धारा 10(1)(ब), औ.वि. अधिनियम, 1947

न्यायाधीश—श्री जगतसिंह, आर.एच.जे.एम.

उपस्थिति:—(1) श्री भारतभूषण आर्य, संघ प्रतिनिधि

(2) श्री जी.एल. माथुर, नियोजक प्रतिनिधि।

दिनांक 4 जनवरी, 1994

अधिनिर्णय

श्रम मंत्रालय भारत सरकार ने आदेशांक एल०-29012/25/89/आई०आर० (विविध) दिनांक 6 अक्टूबर, 1989 के द्वारा प्रेषित इस निर्देश के अन्तर्गत इस न्यायाधिकरण को निम्न विवाद अधिनिर्णयार्थ पठाया है:—

“Whether the action of the management of Rajasthan State Tungsten Development Corporation Ltd., Jaipur in not promoting Shri Jai Ram, Helper (Regular) as Driver is justified. If not to what relief is the workmen entitled?”

2. टंगस्टन माईन्स मजदूर यूनियन डेगाना जिसे तत्पश्चात् प्रार्थी संघ सम्बोधित किया है ने जरिये क्लेम प्रकट किया कि जयराम की नियुक्ति अप्रार्थी संस्थान में ऑटोमोबाईल विभाग में दिनांक 1-11-68 को श्रमिक के पद पर हुई थी तथा वरिष्ठता, अनुभव व कार्य कुशलता के आधार पर उसे दिनांक 1-4-80 से नियमित वेतन शृंखला में हैल्पर के पद पर पदोन्नत कर दिया, प्रार्थी संघ कहता है कि उक्त श्रमिक अपनी वरिष्ठता के आधार पर दिनांक 15-2-88 से ड्राईवर के रिक्त पद पर पदोन्नती का हकदार है परन्तु उक्त श्रमिक को उक्त पदोन्नति नहीं देकर कनिष्ठ व्यक्ति नरपतराम अकुशल श्रमिक को सीधी डबल जम्प देकर ड्राईवर के पद पर पदोन्नत कर दिया गया है जो सर्वथा गलत है और प्रार्थी श्रमिक के हकों पर कुठाराघात है, संघ की प्रार्थना है कि नरपतराम को दिया गया पदोन्नति का आदेश निरस्त किया जावे और श्रमिक जयराम को दिनांक 15-2-88 से ड्राईवर के पद पर पदोन्नति दी जाये।

3. जरिये प्रत्युत्तर अप्रार्थी ने कहा कि न तो जयराम दिनांक 1-3-74 से नियमित व अकुशल श्रमिक नियुक्त हुआ और न वह 1-4-80 से हैल्पर के पद पर नियुक्त है तथा 15-2-88 से उसे ड्राईवर के पद पर पदोन्नति पाने का भी कोई अधिकार नहीं है। नरपतराम को वाहनचालक के पद पर पदोन्नत नहीं किया बल्कि उक्त पद पर उसकी नियुक्ति चयन समिति द्वारा चयनित होने के उपरान्त ही 1-4-88 से की गई है। अप्रार्थी के अनुसार श्रमिक जयराम

ने भी ड्राईवर के पद पर नियुक्ति के लिये आवेदन किया था और चयन समिति के समक्ष उपस्थित भी हुआ था परन्तु चयन समिति ने उसे ड्राईवर के पद पर नियुक्ति के लिये उपयुक्त नहीं पाया इसलिये क्लेम खारिज किया जावे।

4. क्लेम के समर्थन में श्रमिक जयराम ने स्वयं का शपथपत्र प्रस्तुत कर सत्यापित कराया और सर्वश्री खियाराम, व रामकरण ने भी श्रमिक के पक्ष में शपथपत्र प्रस्तुत कर सत्यापित कराये हैं इनमें से किसी से भी अप्रार्थी ने प्रतिपरीक्षा नहीं की है। अप्रार्थी की तरफ से श्री एस.के. पाटनी ने शपथपत्र पेश किया है जिससे श्रमिक प्रतिनिधि ने विरह की है। प्रलेखिक साक्ष्य में प्रदर्श डबल-1 लगायत 8 और प्रदर्श एम-1 लगायत 9 फोटों प्रतियां पेश हुई हैं तत्पश्चात् मैंने पत्रावली का निरीक्षण किया और पक्षकारों के प्रतिनिधियों को विस्तारपूर्वक सुना।

5. क्लेम के अनुसार अपने शपथपत्र में भी जयराम कहता है कि उसकी प्रथम नियुक्ति 1-3-74 में हैल्पर के पद पर हुई थी, इससे पूर्व वह 1968 में अजयुल लेबर था उसके पास वाहन चलाने का लाईसेन्स सं० 4269/77 जो प्रदर्श डबल-2 है, प्रदर्श डबल-3 द्वारा उसे दिनांक 1-4-80 से वाहन हैल्पर के पद पर पदोन्नत किया गया था, श्रमिक कहता है कि वह नरपतराम से बरिष्ठ था फिर भी उसे वाहन चालक के पदों पर पदोन्नत नहीं करके नरपतराम को पदोन्नत कर दिया गया। ऐसे ही कथन सर्वश्री खियाराम व रामकरण ने भी अपने-अपने शपथपत्रों में किये हैं, नियोजक का क्लेम के प्रत्युत्तर में ही यह कथन था कि नरपतराम को वाहन चालक के पद पर पदोन्नत नहीं किया गया बल्कि चयन समिति द्वारा उसको उक्त पद पर चयनित किया गया था और जयराम श्रमिक ने भी चयन समिति के समक्ष उपस्थित होकर साक्षात्कार दिया था जिसे चयन समिति ने वाहन चालक के पद पर योग्य नहीं पाया। हालांकि क्लेम के प्रत्युत्तर में उक्त तथ्य का स्पष्ट उल्लेख था फिर भी श्रमिक ने न तो अपने शपथपत्र में उक्त तथ्य का खण्डन किया और न श्रमिक के अन्य साक्षियों ने इस विषय वास्तव कुछ कहा। नियोजक साक्षी श्री एस.के. पाटनी ने क्लेम के प्रत्युत्तर के अनुसार ही अपने शपथपत्र में भी कहा है कि वाहन चालक का एक पद रिक्त हुआ था उस पर नियुक्ति के लिये निगम में कार्यरत व्यक्तियों में से प्रदर्श एम. 1 आदेश द्वारा आवेदन पत्र आमंत्रित किये गये थे जिसकी पालना में प्रदर्श एम. 2 आवेदनपत्र नरपतराम ने दिया और श्रमिक जयराम ने आवेदनपत्र प्रदर्श एम-3 दिया था, जयराम का चालक लाईसेन्स प्रदर्श एम-4 है, इन दोनों को साक्षात्कार के लिये आमंत्रित किया गया था और प्रदर्श एम-7 द्वारा चयन समिति का गठन किया गया था, चयन समिति की सिफारिश प्रदर्श एम-8 है जिसके द्वारा नरपतराम को चयन हुआ था और प्रदर्श एम-9 आदेश द्वारा नरपतराम को नियुक्त कर दिया गया। प्रतिपरीक्षा में नियोजक साक्षी कहता है कि प्रदर्श एम-8 में भी नरपतराम को पदोन्नति

के लिये उचित माना है, इस आदेश से नरपतराम की पिछली सेवायें समाप्त नहीं हुई हैं और पदोन्नति के नियम अर.एस.एम.डी.सी. में बने हुए थे, जो यहां लागू थे, यह मामला पदोन्नति का नहीं है सीधी भर्ती का है नियमों में पदोन्नति वरिष्ठता के आधार पर होती है। नियोजक को उक्त मौखिक कथनों की पुष्टि प्रदर्श एम-1 लगायत 9 प्रलेखों से भी होनी है जिससे स्पष्ट हो जाता है कि बाहन चालक के पद पर वास्तव में किसी व्यक्ति को पदोन्नति नहीं किया गया बल्कि सीधी भर्ती द्वारा चयन समिति द्वारा चयनित होने पर ही नरपतराम को नियुक्त किया गया है इसलिये श्रमिक जयराम पदोन्नति का अधिकारी नहीं है। यह उल्लेखनीय है कि नरपतराम की नियुक्ति अपास्त करने और उसकी जगह जयराम को पदोन्नति करने की प्रार्थना की गई है, फिर भी नरपतराम को पक्षकार नहीं बनाया गया है। मेरी राय में नरपतराम आवश्यक पक्षकार था, नरपतराम को सुने बिना उसकी नियुक्ति आदेश को अपास्त नहीं किया जा सकता और बाहन चालक के पद पर पदोन्नति नहीं की गई थी बल्कि नई नियुक्ति की गई थी जिस समय जयराम भी चयन समिति के समक्ष पेश हुआ था इसलिये प्रत्येक दृष्टिकोण से परस्पर पर भी श्रमिक जयराम किसी अनुचित का अधिकारी नहीं है और उपरोक्त तरीके से ही इस निर्देश का अधिनिर्णय किया जाना है जो प्रकाशनाथ औद्योगिक विवाद अधिनियम 1947 की धारा 17(1) के अन्तर्गत केन्द्रीय सरकार को पढ़ाया जाये।

6. आज्ञा आज दिनांक 4-1-1994 को सरे हज्जाम लिखाई व मुनाई जाकर हस्ताक्षरित की गई।

जगत सिंह, न्यायाधीश

नई दिल्ली, 2 मार्च, 1994

कां०आ० 798.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, में भारत कोकिंग कोल लि० की लोहापट्टी कोलियरी के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनवाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 1-3-94 को प्राप्त हुआ था।

[संख्या एन-20012/234/89-आई आर (कोल-I)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 2nd March, 1994

S.O. 798.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the industrial dispute between the employees in relation to the management of Lohapatty Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 1-3-1994.

[No. I-20012. 234. 89 IR (Coal I)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 20 of 1990

PARTIES :

Employers in relation to the management of Lohapatty Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dated, the 14th February, 1994

AWARD

By Order No. L-20012/234/89-IR (Coal-I) dated the 12th February, 1990, the Central Government in the Ministry of Labour has, in exercise of its powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the management of M/s. Bharat Coking Coal Ltd., in relation to Lohapatty Colliery in Mahuda. Area No. II is justified in dismissing the workman Shri Ram Baran Bhuiya, Miner Loader w.e.f. 8-3-88 ? If not, to what relief he is entitled to ?"

2. Contesting the order of dismissal on the charge of workman absents himself from duty for a period of more than ten days without authorisation, the sponsoring Union has stated in its written statement that the workman, who had unblemished record of long service, had absented from duty due to unavoidable circumstances and the management was given information with a request to sanction leave. In spite of that the management, by its order, dismissed the workman with effect from 8-3-1988 which action was illegal, unjustified and against the principles of natural justice, so much so that neither the copy of the chargesheet nor the notice of the enquiry were served upon the workman, hence the domestic enquiry so held at the behest of the management was invalid and irregular. It has also been asserted that the punishment awarded to the workman was harsh and disproportionate to the alleged offence. Prayer has been made to order his reinstatement with full back wages.

3. The management appeared and filed its written statement justifying its action, stating therein that the workman concerned absented from duty with effect from 25-9-1987. continuously, without permission of the authority and without rendering information of his absence. It was then that the management issued chargesheet dated 6-11-87 calling for explanation of the workman which was sent at his permanent address through registered post with acknowledgement due, but the same was returned unserved.

1. The management claimed that the Enquiry Officer fixed 12-1-1988 as the date of enquiry and letter to that effect was sent to the concerned workman at his home

address, again through registered post with A.D. which again was returned back unserved. It appeared from notices that were returned that the workman was not available at his home address, hence the enquiry was held ex parte and the Enquiry Officer submitted report holding the workman guilty of the charge of misconduct on which the management issued order of his dismissal, dated 8-3-1988.

5. A rejoinder was also filed on behalf of the workman, rejecting the contentions of the management in its written statement, also alleging that the Enquiry Officer was biased and prejudiced against the concerned workman.

6. Since the propriety, and the fairness of the domestic enquiry was challenged, the same was taken up as preliminary issue. It appears from the order dated 25-6-92 of the learned predecessor that in course of argument the sponsoring Union conceded that the domestic enquiry was held fairly and properly. Learned predecessor also had it to be fair and proper.

7. While arguing the case before me, Shri D. Mukherjee, appearing on behalf of the sponsoring Union has raised two points only. The first point was that the charge-sheet to the concerned workman was issued for misconduct as described under sub-clause (d) of Clause 18 of the Standing Orders, but obviously he was dismissed under provision of sub-clause (n) of Clause 18 of the Standing Orders. Therefore, it was argued, the order of dismissal was illegal so much so that the chargesheet was submitted for one misconduct and the action was taken for some other misconduct. Secondly, Shri Mukherjee submitted even assuming the charge to have been proved, still the punishment awarded was too harsh and quite disproportionate to the alleged offence so much so that the workman has been deprived of his livelihood for just one mistake committed by him. Since only these two points were raised

I will mainly deal with these points.

8. The evidence produced by the management before the Enquiry Officer fully established the charge that the workman had absented himself continuously since 25-9-1987 without obtaining permission or without giving information of his absence to the management. The officer representing the management before the Enquiry Officer had submitted about the charge and had proved the envelopes enclosing the aforesaid two notices which were marked Exts. M-I and M-II. The chargesheet was marked Ext. M-III.

9. Sri K. M. Pandey, the management's witness No. 1, has stated that the workman concerned was absenting from 25-9-87 continuously. He produced the attendance register from marked Ext. M-V. He pointed out that there was no attendance marked in respect of the workman, hence shown to be absent. MW-2 Jogeshwar Rewani, Bill Clerk, also supported the same and produced Bill and Wage Register. The same was marked Ext. M-VI to show that as the workman was absent since 25-9-87, the wage bill was not prepared.

10. MW-3 Khudiram Mahato, Leave-Sick Clerk, also supported the case of the management fully and stated that the workman had not given any information about his absence. He produced the concerned register, Ext. M-VII, pointing out that there was no entry of "Leave and Sick" during this period, relating to the workman. He also produced the Dak Receipt Register (Ext. M-VIII) which did not show any letter received from the proceede.

11. Therefore, there is no doubt that the management fully proved its case before the Enquiry Officer that this workman was absent since 25-9-87, continuously, without obtaining permission or without providing any information of such absence to the management. Since the enquiry has already been held to be fair and proper, no further argument was available to the sponsoring Union about its validity, being ex-parte one. The management has proved that notices were sent to the workman at his permanent address, but the same returned unserved. Therefore, the management was justified in proceeding with the enquiry.

12. Now adverting back to the first argument of Shri D. Mukherjee that the action has been taken under a provision for which enquiry was not conducted, the provisions under Clause 18(i)(d) and under Clause 18(i)(n) are re-produced below :—

"Clause 18(i)—A workman may be suspended or fined or his increment may be stopped, or he may be demoted or dismissed without notice, if he is found to be guilty of misconduct. . . . The following shall denote misconduct :—

(d) Habitual late attendance and habitual absence without leave or without sufficient cause.

(n) Continuous absence without permission and without satisfactory cause for more than ten days."

13. Obviously the charge (Ext. M-1) was framed for his unauthorised absence since 25-9-87 stating the same to be a misconduct within the provision of Clause 18, sub-clause (d) of the Standing Orders. Admittedly, in the domestic enquiry the management did not adduce evidence that the concerned workman was a habitual absentee without leave or without sufficient cause. No doubt, the workman has been shown to be absent without authorisation from 25-9-87 which appears to have continued till the date of his dismissal which order is dated 8-3-88 (Ext. M-6). But this was a case of continuous absence. There is nothing on the record to show that the workman had likewise absented himself on earlier occasions also. Therefore, Shri Mukherjee is justified in arguing that this was not a case of continuous unauthorised absence. He submitted that the workman could have been awarded punishment only under provision of Clause 18(i)(n) of the Standing Orders, but for that instance of misconduct he was not issued the chargesheet. In support of his contention learned lawyer has placed reliance upon a decision of Hon'ble Supreme Court reported in 1956(ii) I.L.J. at page 439 (Laxmi Sugar Mill Ltd. Vs. Nand Kishore Singh). In that case the concerned workman was charged for having instigated his fellow-workmen to pass a resolution for removal of the General Manager of the company. The concerned workman had refused to participate in the domestic enquiry and also refused to furnish information asked for by the General Manager in connection with his speech. In that case their Lordships held that the refusal by the workman to answer the queries by the General Manager must be held to be an act subversive of discipline. It was also held that his refusal to answer the question in the domestic enquiry must be held to amount to breach of discipline and insubordination. At the same time their Lordships also held that since the workman was chargesheeted only for instigating his fellow-workmen to demand for removal of the General Manager, and not for the aforesaid two acts of insubordination and indiscipline, the management could not be permitted to dismiss him.

14. But the facts of that case are not similar to the facts involved in the instant case. In that case the charge and actual acts of insubordination were distinct and quite different acts, not connected with each other. Therefore, in a case in which a workman is called upon to answer one Charge and is sought to be dismissed for a different offence the same cannot be allowed. But in this case the fact of misconduct as mentioned in the chargesheet covered the misconduct as enumerated in the provisions contained in Clause 18(i)(d) and Clause 18(i)(n).

15. My attention has been drawn, on behalf of the management, to a decision reported in S.C.L.J.—Vol. 4—at page 2686 (Between Management of Delhi Transport Undertaking and Industrial Tribunal, Delhi and another), also reported in 1965(I) I.L.J. at 458. Their Lordships have held that the decision in the case of Laxmi Devi Sugar Mill Vs. Nand Kishore Singh was not applicable because in the case under discussion the facts were quite sufficient to prove that the concerned workman had offended and the omission to mention the propriety under the Standing Orders, Regulations and Sections of the Act did not amount to such a flaw in the charge as would make room for the application of aforesaid rulings.

16. In this case also the chargesheet, which is dated 6-11-87, clearly mentioned the charge that since 25-9-87 the workman was absenting from duty without permission or information. On the date this chargesheet was framed much more than ten days had elapsed since 25-9-87. Therefore, the fact mentioned in the chargesheet was sufficient to allow the workman, if he had participated in the domestic enquiry, to put defence covering misconduct mentioned in Clause 18(i)(n) of the Standing Orders also.

17. This being so, I do not think that this ground taken by Shri Mukherjee has any force.

18. Now, coming to the quantum of punishment, Shri Mukherjee has relied upon another decision reported in 1989 Supreme Court Cases (1&S) 180 (Scooters India Ltd., Lucknow Vs. Labour Court, Lucknow & others). In that case also domestic enquiry was held to be fair and lawful in which the concerned workman was ultimately dismissed from service for act of major misconduct. The Labour Court had ordered reinstatement of the workman with back wages to the extent of 75 per cent. Hon'ble Supreme Court observed that the Labour Court had taken the view that justice must be tempered with mercy and that the erring workman should be given an opportunity to reform himself and prove to be a loyal and disciplined employee of the petitioner company.

19. In the instant case a few facts come to notice. Firstly that the record does not show that the concerned workman had earlier also indulged in similar act of misconduct, meaning thereby that on earlier occasion also he had similarly absented himself from duty without obtaining permission or without giving information. Therefore, this can be taken to be his first act of such misconduct. Secondly, even though, domestic enquiry has been held to be fair and proper still the fact remains that, for whatsoever reason, the workman was not present during the enquiry to defend himself. There is nothing on the record to show that he had refused to receive the notice issued to him. Ext. M-II is envelope containing such notice on which the endorsement of the postal peon was that no such person was available in the Village—Mourui under P. O. Govindpur. Ext. M-IV shows that the notice was returned as the address was "not known". No doubt, it is the erring workman who is largely responsible for his present predicament, still it comes out of the record that he might not have knowledge of the impending enquiry. Since he did not participate in the enquiry, the reason of his absence was not brought on the record which might or might not have justified his absence. Obviously, under provision of Sec. 11-A of the Industrial Disputes Act, the workman also could not have brought evidence about the justification of absence during the present adjudication in the Tribunal.

20. Therefore, the misconduct, which has been proved in the domestic enquiry has the nuances which should have compelled the management to avoid awarding him the maximum punishment. This being his first such case of misconduct he should have been awarded a lesser punishment and given atleast one chance to mend himself in future. I do not find that the punishment awarded is commensurate with the offence committed. Therefore, I hold that the management of M/s. B.C.C. Ltd. in relation to Lohapatti Colliery in Mohuda Area No. II was not justified in dismissing the workman, Ram Baran Bhuiya, Miner/loader with effect from 8-3-1988. Therefore, in my opinion, the workman is justified to be reinstated in service.

21. On the other hand, there is no doubt that the workman was guilty of misconduct of absenting himself from duty for a few months without permission and without giving any information to the concerned authority. For proper conduct of the industries such misconduct on the part of the workman cannot be condoned in its entirety. Therefore, the workman has to be awarded punishment in conformity with the offence he has been proved to have committed.

22. Therefore, while directing reinstatement of the workman, in my opinion, the ends of justice in this regard would be met if the workman is allowed only 50 per cent of the back wages to be computed with effect from the date of his dismissal, i.e., from 8-3-1988 till he is reinstated as per direction in the award.

23. In view of this the following award is rendered—

The management of M/s. Bharat Coking Coal Ltd., in relation to Lohapatti Colliery in Mohuda Area No. II was not justified in dismissing the workman, Ram Baran Bhuiya, Miner/loader for the aforesaid misconduct. It is hereby ordered that the workman be reinstated in his post within one month of the publication of the award in the Official Gazette. The workman will be paid 50 per cent of the back wages admissible to him during the period of his dismissal from service.

In the circumstances of the case there will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 2 मार्च, 1994

का.आ. 799.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में, सेंट्रल कोयलील्ड्स लिमि. की पिन्द्रा कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (में I) धनवाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 1-3-94 को प्राप्त हुआ था।

[संख्या एन-20012/104/88-डी-4(ए) आईआर(कोल-1)]

सी गंगाधरन, डेस्क अधिकारी

New Delhi, the 2nd March, 1994

S.O. 799.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Pindra Colliery of M/s. C.C.L. and their workmen, which was received by the Central Government on 1-3-94.

[No. I-20012/104/88-D.IV(A)/IR (Coal-I)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Sec. 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 89 of 1989

Parties :

Employers in relation to the management of M/s. Central Coalfields Ltd. relating to Pindra Colliery.

AND

Their Workmen

Present :

Shri P. K. Sinha, Presiding Officer.

Appearances :

For the Employers.—Shri R. S. Murthy, Advocate.

For the Workmen.—Shri S. P. Rakshit, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 21st February, 1994

AWARD

The present reference arises out of Order No. I-20012/104/88-D.4(A)/I.R. (Coal-I) dated 14-8-1989 passed by the

Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether Shri Saifuddin Ahmad, Truck Khalasi was actually working as driver in terms of office order dated 10-12-87 issued by the Project Officer, Pindra Colliery w.e.f. 12-1-87 and if so, whether the management is justified in not promoting Shri Saifuddin to the post of Driver and not making payment of difference of wages between Cat. I and Cat. V w.e.f. 12-1-87 ? If not, to what relief the concerned workman is entitled to ?"

2. Settling their dispute out of the Court, the parties have filed a joint memorandum of settlement. I have gone through it and find the settlement so arrived at to be fair and reasonable. Accordingly I pass an award in terms of memorandum of settlement which also shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Sec. 15 of the Industrial Disputes Act, 1947.

P. K. SINHA, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference under section—

Reference No. 89 of 1989

Parties :

Employers in relation to the Management of Pindra Colliery of Central Coalfields Ltd.

AND

Their workman

Sub : Terms of mutual settlement in respect of above mentioned ref. (1) Management and workman, i.e., Shri Saifuddin Cat. I, F.B. No. 960 Pindra Colly. agrees on the following terms :—

- (1) The Management agrees that Shri Saifuddin will be regularised as Dumper Opnr. Gr. II/C within a period of two months from the date of receipt of the Award.
- (2) Shri Saifuddin will be given difference of wages of Driver Cat. V w.e.f. 1-1-89 till period Shri Saifuddin was allowed difference of wages of Dumper Opnr. Gr. II/C from the date of receipt of the award.
- (3) This will be the full and final settlement with reference to the above referred case.
- (4) This will not be cited as precedence.

On behalf of workman

Witness: Shri B. M. Singh

On behalf of Management

Witness : Sri R. R. Prasad

Sr. P. O. Pindra

Part of the Award Presiding Officer

नई दिल्ली, 2 मार्च, 1994

का.आ. 800.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में भारत कोकिंग कोल लिमि. की केशुरगढ़ कोलियरी के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिनियम (सं. 1) धनबाद के पंचायत का प्रकाशित कर्ता है, जो केन्द्रीय सरकार को 1-3-94 को प्राप्त हुआ था।

[संख्या एल-20012/38/90-आई आर (कोल-1)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 2nd March, 1994

S.O. 800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Kessurgarh Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 1-3-94.

[No. 1-20012/38/90-IR(Coal-I)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947.

Reference No. 223 of 1990

Parties :

Employers in relation to the management of Kessurgarh Colliery of B.C.C. Ltd.

AND

Their Workmen.

Present :

Shri P. K. Sinha, Presiding Officer.

Appearances :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri D. Mukherjee, Secretary Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dated, the 21st February, 1994

AWARD

The present reference arises out of Order No. L-20012(38)/90-I.R. (Coal-I) dated 19-9-1990 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the action of the management of Kessurgarh Colliery in Block II Area of M/s. Bharat Coking Coal Ltd., in not giving employment to Shri Bhuneshwar Rabidas and 23 others is justified ? If not, to what relief are the concerned workmen are entitled ?"

2. Settling their dispute out of the Court, the parties have filed a joint memorandum of settlement. I have gone through it and find the settlement so arrived at to be fair and reasonable. Accordingly, I pass an award in terms of memorandum of settlement which also shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Sec. 15 of the Industrial Disputes Act, 1947.

P. K. SINHA, Presiding Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT, INDUSTRIAL TRIBUNAL NO. 1, AT
DHANBAD

Reference No. 221/90

Employers in relation to the management of Kessurghar
Colliery.

AND

Their workmen.

Petition of Settlement

The Humble petition on behalf of the parties to the re-
ference most respectfully Showeth :—

- (1) That, the aforesaid dispute has been amicably set-
tled between the parties on the following terms :—

Terms of Settlement

- (a) That, out of the 24 (twenty four) workmen concerned
mentioned in the list annexed herewith and marked
on as Annexure 'I' to this settlement, will be con-
sidered for their employment as Wagon Loader.
The cases of others 5 (five) workmen namely S/
Sri Khemlal Dhobi, Sukar Beldar, Shankar Dhobi,
Mangala Bhuia and Briksha Bhuia have already
been discussed separately and agreed for their em-
ployment subject to verification of their genui-
ness, identity and antecedents etc. and other terms
as mentioned in this settlement.
- (b) That, as agreed above (a) only those workmen who
will be of 40 (forty) yrs. of age and above and
will be found medically fit for carrying the job of
wagon loading will be considered for employment.
The findings of Area Medical Board with regard
to age and medical fitness will be binding on both
parties and the concerned workmen. No one will
be permitted to challenge the correctness of findings
of the medical Board.
- (c) That, each one of the workmen mentioned in the
list Annexure I will submit three copies of his re-
cent passport size photographs duly attested by the
1st Class Magistrate having jurisdiction within the
Area in which his permanent residence falls and
will submit an Affidavit indicating therein all his
particulars as his father's name, age, permanent
address, his period of work at Kessurghar colliery
as delisted casual wagon loader or in any other
capacity and the place of work where he worked
last.
- (d) That the management will get particulars of each
workman verified from the Civil District Adminis-
tration and after ascertaining genuinity of a work-
man, he will be provided employment as Wagon
Loader and posted in any unit of BCCCL as per
requirement.
- (e) That the workman who will not be selected on
account of any of the grounds referred above, will
have not claim of any kind against the management.

- (2) That in view of the above settlement, there remains
nothing to be adjudicated.

It is humbly prayed that the settlement may kindly be
accepted as fair and proper and an Award may kindly be
passed in terms of the settlement.

680 GI/94-4

For the Workmen.

For the Employers.

1. (R. P. Singh)
Area Secretary,
BCKU, Block-II Area
2. (Puran Mahato)
Area President
BCKU, Block-II Area.

1. (N. C. Nirula)
Chief General Manager,
Block-II Area.
2. (M. K. Singh)
Area Personnel Manager
Block-II Area.
3. (P. N. Choudhry)
Personnel Manager(IR)
Block-II Area.

Witnesses :—

1. Sri Jagdish Kumhar, (Clerk) Block-II Area.
2. Sri S. K. Rai Choudhry (Clerk) Block-II Area.

Part of the Award
Presiding Officer

ANNEXURE I

1. Shri Bhuneshwar Rabidas.
2. Shri Baldeo.
3. Shri Bishan Beldar.
4. Shri Harilal.
5. Shri Jagdish Nunia.
6. Shri Narayan Dhobi.
7. Shri Ramjit Baibil.
8. Shri Sarju Beldar.
9. Shri Janki Mohili.
10. Shri Bara Samu Rabidas.
11. Shri Hublal Thakur.
12. Shri Chhotan Nunia.
13. Shri Ramlal Manjhi.
14. Shri Barata B.P.
15. Shri Budhan Munia.
16. Shri Dhaw.
17. Shri Jit Ram B.P.
18. Shri Abadharam B.P.
19. Shri Haidar Ali.

ANNEXURE-II

1. Shri Khemlal Dhobi.
2. Shri Sukar Beldar.
3. Shri Shankar Dhobi.
4. Shri Mangala Bhuia.
5. Shri Briksha Bhuia.

नई दिल्ली, 2 मार्च, 1994

का.आ. 801.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार, मै. भारत कोकिंग कोल लि. की भोरा नार्थ
ग्रो.सी.पी. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके
कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में
केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के
पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को
1-3-94 को प्राप्त हुआ था।

[संख्या एल-20012/144/88-आई आर (कोल-I)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 2nd March, 1994

S.O. 801.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhowra North OCP of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 1-3-1994.

[No. L-20012/144/88-IR (Coal-I)]

C. GANGADHARAN, Desk Officer

ANNEURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) (2-A)
of the Industrial Disputes Act, 1947

Reference No. 126 of 1989

PARTIES :

Employers in relation to the management of Bhowra
North O.C.P. of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri B. Lall, Advocate, and Shri
D. K. Verma, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 21st February, 1994

AWARD

By Order No. L-20012/144/88-IR (Coal-I), dated, the 5th October, 1989, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Bhowra North OCP of M/s. Bharat Coking Coal Ltd., in dismissing Shri Manoj Kumar Sinha, Fitter Helper, w.e.f. 29-10-87 is justified? If not, to what relief the concerned workman entitled?"

2. The concerned workman appeared and he filed written statement stating therein that the concerned workman was a permanent employee of Bhowra Coke Oven Plant. It was claimed that when after some litigations the aforesaid plant was nationalised on 21-3-83, this workman was then in its employment. After nationalisation this plant came under the administrative jurisdiction of the management of Bhowra Area XI which also included Bararee Fire Project. The workman has claimed that litigation had given opportunity to the previous private owner of the plant to remove and destroy many records and registers. Since the workman was an efficient driver, his service mostly were utilised as Driver under the Area Manager (Technical).

3. It is claimed that thereafter the workman was transferred to Bhowra North Open Cast Project (hereinafter referred to as "Bhowra Project") by the Personnel Manager,

Bhowra Area, vide letter dated 10/11-5-84. This workman, on his being released by the Project Officer on 26-9-84 reported and resumed his duty at Bhowra Project at 4-B quarry. At the Colliery he was given temporary authorisation to work as Shovel Operator.

4. It has further been stated that since the service of the workman was often utilised on higher category jobs he demanded proper pay-scale and grade fixing which he refused to work in those higher jobs. It is claimed that the management being enraged at such demand, stopped payment of wages to him from February, 1986. Then on 16-5-86 the workman approached the Labour Enforcement Officer (Central), Dhanbad, who called for the comments of the Agent of the Bhowra Project.

5. It is further alleged that then, to cover his mis-deed, the Agent of Bhowra Project issued the workman a charge-sheet dated 28/29-8-86 alleging therein that he had secured employment in M/s. B.C.C. Ltd., then posted at Bhowra Project, by fraudulent means. It is further alleged that after perfunctory enquiry the workman was dismissed by the same Agent of Bhowra Project by his letter dated 29-10-87.

6. Then the matter went for conciliation which proved futile and then the matter was referred to this Tribunal for adjudication. A prayer has been made to hold the action of the management of Bhowra Project in dismissing the workman to be unjustified and to order reinstatement of the workman with full back wages and allowances from 29-10-87.

7. The management appeared and filed its written statement in which, besides technical objection about the reference being bad in law which point was not placed at the time of argument it was claimed that the workman had started working in Bhowra Project through manipulation and by practising fraud though he never was employed in the Colliery.

8. Giving history of nationalisation of Bhowra Coke Oven Plant, the management has stated that after promulgation of Coking Coal Mines (Nationalisation) Act, 1972, previous owner of the aforesaid plant entered into litigation during which, under order of Hon'ble High Court at Calcutta, a Receiver was appointed. Ultimately Hon'ble Supreme Court upheld Nationalisation Act and Bhowra Coke Oven Plant was handed over to M/s. B.C.C. Ltd. by this Receiver. In this written statement it has been mentioned that the case of the concerned workman was that he was appointed in the aforesaid Coke Plant during the period of the Receiver. It has been stated that the further case of the workman was that from the aforesaid Coke Plant he was verbally transferred to Bararee Colliery of M/s. B.C.C. Ltd. and was posted in the Fire Project of that Colliery and later was released for joining his duties at Bhowra Project under an order issued by Bararee Fire Project dated 8-9-84.

9. Pausing for a moment it may be stated here that the workman has not made out a case either in the written statement or in his explanation submitted to the authority before his dismissal, that from the aforesaid Coking Plant he was transferred to Bararee Colliery in its Fire Project. However, during his cross-examination by the management in course of the domestic enquiry question Nos. 5 to 9 appear to be related to his working at Bararee Colliery and from the answers of the workman it appears that he also claimed to have worked there from 21-3-83 to 4-11-84.

10. The written statement of the management further states that it took sometime for the management to discover true position in this regard, and in issuing a charge-sheet to the workman. Since the relevant documents were not to be found to confirm that the workman was a genuine workman of M/s. B.C.C. Ltd., he was paid wages in wage-sheet prepared manually though M/s. B.C.C. Ltd. used to pay wages to regular workers through mechanised payroll system. This was the reason that the workman did not ever get any pay slip nor he issued any appointment letter in his name nor details about him were entered in Form 'B' Register maintained under the Mines Rules at Bhowra Coke Oven Plant, or at Bararee Colliery.

11. Thereafter the workman was issued chargesheet dated 28/29-8-86 on the allegation that he had secured employment in M/s. B.C.C. Ltd. through fraudulent means attracting Clause 17(2) and 27(19) of the Certified Standing Orders of Bhowra Project.

12. It has been averred that since the explanation of the workman was not satisfactory, a domestic enquiry was duly conducted and the concerned workman participated in the same. On the completion of the enquiry a report was submitted by the Enquiry Officer holding the workman to be guilty of the charges framed against him. On consideration of the same, this workman was dismissed from the service of M/s. B.C.C. Ltd. by the competent authority, order for which was issued by the Agent of the Bhowra Project dated 29-10-87.

13. In the rejoinder portion of the written statement the management has denied that the concerned workman was ever employed in the Bhowra Coke Oven Plant and that the workman had forged and fabricated some documents thereby managing to start working at Bhowra Project.

14. Thereafter the workman filed rejoinder to the written statement of the management arguing therein that the management cannot at the same time order dismissal from service while maintaining that the workman was never inducted into service. It has been claimed that still in many establishments of M/s. B.C.C. Ltd. wage bills were being prepared manually.

15. The workman also submitted additional written statement stating that though he was suspended with effect from 29-8-86, still no suspension allowance was paid to him. He has also challenged the legality of appointment of the Enquiry Officer. Thereafter, the management also filed its rejoinder to the additional written statement depicting the same to be an afterthought. The allegations of the workman as made in the additional written statement have also been refuted herein.

16. From the order of learned predecessor dated 23-6-92 it will appear that the propriety and fairness of the domestic enquiry was taken up as preliminary issue in which documents were exhibited, that in course of argument the learned counsel for the workman conceded that the domestic enquiry was held fairly and properly. The learned predecessor also found from the record that the domestic enquiry was fair and proper.

17. The question that, thus, remains to be answered, while answering the reference, is whether or not the conclusion of the Enquiry Officer on which the concerned authority relied for dismissing the workman, can be upheld in view of the evidence that were brought on the record in course of enquiry and, secondly, if so, then whether the punishment by way of dismissal of the workman from service was just and proper.

18. At the outset I may state that from order dated 9-8-90 it will appear that the workman had filed certain documents in support of this case in the Tribunal which were ordered to be kept on the record, but were not marked exhibits. It will also appear from order dated 23-6-92 by which order the propriety and fairness of the domestic enquiry was decided as a preliminary issue, that the workman had filed copy of a decision passed by the learned Presiding Officer of the Labour Court at Dhanbad dated 27-10-89 in which this workman was found entitled to receive due wages as well compensation, from M/s. B.C.C. Ltd. It was marked Ext. W-I.

19. Obviously in view of the bar placed under proviso of Section 11-A of the Industrial Disputes Act, this Tribunal while deciding the reference has to rely only on the materials on the record and cannot take any fresh evidence in relation to the matter. If these documents are considered while answering the reference, this will amount to taking of fresh documentary evidence in relation to the matter involved in the reference. It appears that for this reason the documents filed on 9-8-90 by the workman were not actually marked exhibits. In the same manner, it is not possible for me to consider the aforesaid order of the learned Labour Court at Dhanbad because that would

amount to considering fresh evidence. In any case the matter before the Labour Court related to the payment of wages during his suspension period. The workman was allowed back wages upto 25-1-87 whereas he was suspended with effect from 29-10-87 as per Ext. M-7. Therefore, this documents hardly has any bearing on this case. In any case this document cannot be considered for the purpose of this reference matter.

20. In course of enquiry the management had brought on the record Ext. 3 purported to be a release order dated 8-9-84 as per which this workman was ordered to be released from Bararee Fire Project with immediate effect for joining of Bhowra Project, in pursuance to an Office Order dated 10-11-5-84 alleged to have been issued by the Personnel Manager, Bhowra Area. Ext.-4, purported to be the last pay slip containing alleged details about the concerned workman is said to have been issued from the office of Bararee Colliery. The management witness No. 3 was Mr. H. C. Srivastava, who is said to have signed over Ext.-3 and Ext.-4. With regard to Exts.-3 and 4 this witness clearly stated that he had not signed over any such release order or such last pay certificate. On this evidence of Mr. Srivastava the concerned workman did not cross-examine him.

21. In course of arguments learned counsel appearing on behalf of the workman has squarely attacked on these two documents also justifying, in the way, the refusal by the workman to cross-examine on this point arguing that there is no evidence whatsoever on the record to show that the concerned workman was allowed to work in Bhowra Project by dint of these two documents, nor the management in course of domestic enquiry had produced any witness to say that these two documents were produced either by the concerned workman or on his behalf. It was submitted that unless the management had conclusively proved that the concerned workman had made use of the alleged forged documents to be inducted in the service at the Bhowra Project, the charge that he had secured job there by fraudulent means and forged documents cannot be upheld against him. It may be mentioned that aforesaid Mr. H. C. Srivastava, as per his evidence was incharge of Bhulanbararee Colliery and Bararee Fire Project (Laxmi Open Case Project) since July, 1981.

22. While deciding the question at hand this argument of the learned counsel of the workman had to be carefully considered. In this connection the fact that may not be lost sight of is that the claim of the concerned workman was that he had started working at the Bhowra Coke Oven Plant and from there he was transferred to Bhowra Project. I have already mentioned as to how the point of his working in Bararee Colliery or Bararee Fire Project cropped into evidence. Such question might have been asked by the management in the cross-examination of the concerned workman because as per Ext.-3, he was released from Bararee Fire Project to join at Bhowra Project. In para 7 of his written statement the workman has stated that he was transferred to Bhowra Project by the Personnel Manager, Bhowra Area vide his letter dated 10/11-5-84. This Ext.-3 (as marked by the Enquiry Officer) purports to release him from Bararee Fire Project in pursuance to the Office Order of the Personnel Manager dated 10/11-5-84. So this document produced by the management is connected with the assertion of the workman in para 7 of his written statement. As already stated, even in his explanation submitted to be authorities (Ext.-2 of the enquiry), this workman though has claimed that he was employed at the Bhowra Coke Oven Plant at the time of its take over by M/s. B.C.C. Ltd., has not mentioned here about his working in the Bararee Colliery or at the Bararee Fire Project. The claim of the management was that he was never appointed by M/s. B.C.C. Ltd., and had entered into service through fraudulent means. Therefore, the management could only prove by evidence that he never worked at the Bhowra Coke Oven Plant as claimed by the workman or he also did not work at Bararee Colliery of Bararee Fire Project as per Exts. 3 and 4. This is the best the management could have done and which it has attempted to do. If the management was able to prove that the workman never worked in the Bhowra Coke Oven Plant or at Bararee, then it could be taken that the management has proved that it had never employed this workman in its service because even the workman has not

claimed that he was inducted into service of M/s. B.C.C. Ltd. for the first time at Bhowra Project. In that case, this narrow path of argument through which the learned counsel for the workman wants to traverse will not be available to him. Even Exts. 3 and 4 are connected by the averment by the workman in para 7 of his written statement and para 3 of his rejoinder to the written statement of the management.

23. Now coming to the evidence on record, the charge as supplied to the workman through Ext. M-2, runs as follows :

"It has been found that you have secured employment in M/s. B.C.C. Ltd. and now posted at Bhowra (N) O.C.P. through fraudulent means. This was revealed during the checking of the records of the establishment that your employment was not under any employment scheme of the Organisation. Your above act amounts to misconduct under Clause 27(2) and (19) of the Certified Standing Orders applicable to this establishment which reads as follows :

27(2)—Theft, fraud, dishonesty in connection with the Company's business or property;

27(19)—Any breach of Indian Mines Act or any other Act or of any Rules or bye laws thereunder, or of Standing Orders."

24. Obviously, this charge blames the workman that he had secured his employment through fraudulent means. This chargesheet also makes it clear as to how the management came to this conclusion when it states that this was revealed during checking of the record that his employment was not under any employment scheme of the Organisation. These two aspects are intrinsically connected.

25. Now I will examine evidence adduced in course of domestic enquiry.

26. The first witness of the management is one Sarmukh Singh, Time Keeper, Laxmi Project (Bararee Project). This witness has said that he was working as Time Keeper there since 1981. He stated that he did not know any Manoj Kumar Sinha, nor any such person was paid through manually prepared bill or the bill prepared by machine. He said that the concerned workman had never worked at Bararee Fire Project nor his name was registered there in any register or book, either containing attendance of the workman or through which payments were made. The concerned workman refused to cross-examine this witness.

27. Next witness was Sri S. K. Sinha, Senior Personal Officer at Bararee Colliery. He was working there since July, 1985. He indicated the workman while giving his evidence and said that he never had worked either at Bararee Colliery or at Bararee Fire Project, nor he was ever paid by the management there. He also said that his name was not recorded in Form 'B' Register, C.M.P.F. record, Identity Card Register, or in the Pay Roll. The concerned workman refused to cross-examine him.

28. The next witness was Sri H. C. Srivastava, Incharge to Bhulanbararee Colliery and Bararee Fire Project since July, 1981. He categorically stated in his evidence that the workman Manoj Kumar Sinha who was present while he was deposing, had never worked in Bararee Fire Project. As already stated, he had denied his signatures over Exts. 3 and 4. The workman refused to cross-examine him also.

29. The next witness of the management was Dipak Kumar Oaitra, General Foreman at Bhowra Coke Plant. He said that he was working in that Plant since 1963, which was taken over (by M/s. B.C.C. Ltd.) on 21-3-83. He said that it was he who had handed over the charge of the Plant to M/s. B.C.C. Ltd. At that time he was officiating as Work Superintendent. He said that a list of all the workmen was handed over to M/s. B.C.C. Ltd. but as no one by the name Manoj Kumar Sinha was working at the Coke Plant, his name did not figure

in the list. He clearly stated that no one by this name had worked either before or after the take over. He also produced photo copy of the names prepared by the Screening Committee (Ext. 5) in which also the name of this workman is not to be found. This photo copy of pay fixation chart in respect of the workers of Bhowra Coke Plant, as fixed by the Screening Committee according to N.C.W.A. II, does not mention the name of Manoj Kumar Sinha. This list was forwarded by the Personnel Manager of Bhowra Area to the Superintendent, Bhowra (N) Colliery on 21-1-81 requesting him to fix up their pay scale as per N.C.W.A. III (which came into effect on 1-1-1983). The workman refused to cross-examine this witness also.

30. MW-5 is one Saktipada Chatterjee, Time Keeper at Bhowra Coke Plant since 21-7-69 who also worked as Bill Clerk and Payment Clerk. He also said that either before or after take over none by the name of Manoj Kumar Sinha had worked at the Bhowra Coke Plant nor that name was mentioned in any of the registers, such as, attendance register or bill register. He also was spared from cross-examination by the workman.

31. This is the evidence placed on behalf of the management. The uncontroverted evidence of these persons related to the matter conclusively proves that either before or after the take over of Bhowra Coke Oven Plant this workman was not working there in any capacity nor this workman ever had worked at Bararee Colliery or at the Bararee Fire Project. This way the management has conclusively proved by its witnesses that the claim of the workman that he came into the service of M/s. B.C.C. Ltd. on the take over of the Bhowra Coke Oven Plant as he was working there from before, was false.

32. Even the evidence of the workman concerned, as given before the Enquiry Officer, shows how fragile his claim was. He has said in his evidence that from 1-1-83 to 20-3-83 he had worked at Bhowra Coke Plant. On 21-3—this plant was taken over by M/s. B.C.C. Ltd. He was then asked to drive the car of the General Manager and of Area Manager (T). He further said that he had received no transfer letter from the Coke Plant and he used to work on verbal instructions. This witness has submitted that he working at Bhowra Project since 6-11-84 and he has also given the number of Identity Card, as well P.A. No. and Form 'B' No. But this is not very material because he admittedly was working at the Bhowra Plant for sometime.

33. He further said that from February, 1975 to September, 1985 he did not receive any amount, overtime, bonus etc. for which he made complaint before Senior Officers and Workers' Union. Enraged at such complaint the Agent of the Colliery issued chargesheet dated 28/29-8-86 and stopped him from working.

34. During the cross-examination he claimed that he could show the appointment letter relating to the Bhowra Coke Plant and promised to show the same on the very next date. The record of the enquiry for the next day (28-8-87) shows that the workman admitted before the Enquiry Officer that he had no appointment letter relating to his appointment in Bhowra Coke Plant, hence he was unable to produce that document.

35. In cross-examination the workman could not say the name of the officer, or his designation, who had appointed him, but he claimed that he was appointed as Tractor Helper, in the grade of Khalasi. He also showed his ignorance of the names of the manager and Supdt. at the Coke Plant at the time of his appointment. He claimed that he had worked at Bararee Colliery from 21-3-83 to 4-11-84, but admitted that there he was neither even Identity Card, nor his name found place in Form 'B' Register. He admitted that his transfer to Bararee Colliery, and his appointment, both were done under oral orders. He also admitted that at Bararee he was not given any pay slip, rather he used to be paid sometimes without observing formality. According to him, he was posted there as Fitter Helper. He also could not say the name of the foreman under whom he worked or of the Attendance Clerk who marked his attendance at Bararee Colliery.

36. He further said that at the Bhowra Coke Plant he was sometimes paid through vouchers. He also could not say the name of the Foreman and of the Attendance Clerk at Bhowra Coke Plant. He also admitted that he had no proof that he was asked to drive the car of the aforesaid two officials. He admitted that while at Bararee Colliery he was paid sometime and sometimes when he was not paid, he never complained about the same to the Agent or Manager, either orally or in writing. He also could not say the name of the custodian at the time the aforesaid Coke Plant was nationalised. He claimed that his name was in the list of workmen when Coke Plant was taken over. Obviously no such list is on the record, rather Ext. 5 marked in the enquiry does not show his name.

37. In the evidence he also submitted that at Bararee Colliery he had received transfer order by post. But he has not placed any such transfer order. As already stated, Exts. 3 and 4, according to the management witness, were forged. The exceptional ignorance shows by the workman during his evidence in the enquiry about the facts and names concerning his employment make his story of appointment at either Bhowra Coke Oven Plant or at Bararee Colliery or Bararee Fire Project very much doubtful. I have already said that the evidence of the management conclusively proved that he was never appointed or posted at either of these two establishments.

38. I have already mentioned main argument of the learned counsel for the workman that no management's witness has said in evidence that this workman was appointed at Bhowra Project on the strength of Ext. 3.

39. In such domestic enquiries one cannot expect the adoption the same rigid rules and standard of adducing evidence as expected of a Civil Court. The reason is obvious. Most of the Enquiry Officers, or the management's representative as also the workman facing the enquiry or his co-workmen representing him do not have the legally trained mind of a lawyer or of a judge. Therefore, unavoidable inference have to be taken into consideration like evidence led. The case of the management throughout is that he had joined the service at Bhowra Project through fraudulent means. As pointed out, in para 7 of the written statement, the workman has mentioned about his transfer order dated 10/11-5-84 which is date mentioned in Ext. 3 as the date of Office Order relating to his transfer. The management has also meant the same when in its written statement in para 4, while describing the contentions of the workman, release order dated 8-9-84 has been mentioned which is the date of this release order in Ext. 3. Therefore, it is very much obvious that this document was placed in the enquiry as containing the order which was forged as proved in the evidence of Mr. H. C. Srivastava. He was specifically asked, after being shown Ext. 3, as to whether this release order was signed by him which he answered in negative. The workman Manoj Kumar Sinha has signed on the documents of enquiry in Hindi as well in English. He has given the dates also in English. But even then he had refused to cross-examine the management's witness H. C. Srivastava. Though the workman has admitted that he had received the transfer order from the post, he did not produce it in the enquiry to show that it was not the same transfer order as mentioned in Ext. 3.

40. Besides this the chargesheet also mentions that it was revealed during checking of the records of the establishments that his employment was not under any employment scheme of the Organisation. To substantiate this portion in the chargesheet the management has proved that he had not worked either at Bhowra Coke Plant or at Bararee. For Bhowra Project the management produced from its record Exts. 3 and 4 obviously for proving that the workman joined there on the strength of forged papers.

41. The question, such as who brought these documents in the record of Bhowra Project or who prepared them are immaterial for proving innocence of the workman because whoever did or brought it on the record evidently did it for the benefit of the concerned workman, hence his complicity in the same is an inescapable conclusion.

42. In view of the aforesaid facts, I donot think that the conclusion of the Enquiry Officer should not be upheld.

43. In view of the evidence on the record and in view of proved misconduct the only punishment that could have been awarded in a case of this nature was dismissal from service.

44. Before parting with the matter, I may mention one more objection of the learned counsel for the management though the same is not very material in the context of the present reference, in view of the findings recorded above. The learned counsel has pointed that the case of this workman was sponsored by Rashtriya Colliery Mazdoor Sangh to whom the Central Government in the Department of Labour had sent intimation about making of the reference to this Tribunal directing them to deposit necessary documents in the Tribunal within 15 days of the receipt of the order. The learned counsel has argued that despite this on the very next date the workman himself appeared in the Tribunal and for sometime himself conducted the case, thereafter, got it conducted through a lawyer of his choice. Depending upon a decision of Hon'ble Supreme Court in the matter between Ram Prasad Vishwakarma Vs. Industrial Tribunal, Patna reported in S.C.L.C. (5) at 3582—1961 (2) F.L.R. 540—1961 (1) L.J. 504—19 F.J.R. 380—AIR 1961 SC 857. The learned lawyer pointed out that in that case the workman had requested the Tribunal to be allowed to be represented by a person of his own choice since he had lost faith in the officer of the union, Fateh Singh, who was representing him. In that case Wateh Singh, Secretary of the Union, had filed a compromise in which the Union and the management had agreed that the workman would not have any claim to reinstatement, but would receive ex-gratia payment of Rs. 1000. It was pointed out that it was Fateh Singh who had made the complaint which had resulted in the order of dismissal of the workman. Their Lordships have held that the representation of the workman should continue throughout the proceeding in the absence of exceptional circumstances which may satisfy the Tribunal to permit other representation of the workman concerned. Their Lordship had been pleased to uphold the order of the Tribunal in not allowing the prayer of the workman.

45. It was argued before me that since in this matter the Union had sponsored the case of the workman and had represented him, the workman could not have been allowed to replace the Union as representing him and to conduct the proceeding himself and, later, through a lawyer of his choice.

46. However, in the present case I do not think that on this ground alone I can decide against the workman. Maximum that can be done is to start adjudication proceedings de novo, asking the sponsoring Union to represent the workman. Even in the aforesaid decision their Lordships have held that in exceptional circumstances other representative could be allowed. Exceptional circumstance in this case is that from the date on this workman appeared and started representing his case and later, appointed a lawyer to represent him. This is a reference of the year 1989 and is being decided in the year 1994. The entire proceedings were conducted before the learned predecessor and I only had to hear the arguments and answer the reference. It does not appear that before the learned predecessor or even before me prior to the date of argument, the management had raised this objection. Having allowed the workman to look after his case himself that management can hardly be heard to order invalidation of entire proceeding at this stage and to start afresh. Therefore, in the context of the present matter, this argument will not help the management.

47. However, as I have already come to the conclusion that the claim of the workman about the validity of his dismissal fails on merit, I hereby render the following award :—

“The action of the management of Bhowra North O.C.P. of M/s. Bharat Coking Coal Ltd. in dismissing Manoj Kumar Sinha, Fitter Helper

with effect from 29-10-87 is justified. The workman is not entitled to any relief."

I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/47/86-D.IV(B) dt. 13th October, 1986.

In the circumstances of the case there will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 7 मार्च, 1994

का.आ. 802.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, म. भारत कोकिंग कोल लिमि. की जौलगोरा कोलियरी के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-94 को प्राप्त हुआ था।

[संख्या एल-24012/47/86-डी-4(बी) आईआर (कोल-1)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 7th March, 1994

S.O. 802.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Jealgora Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 7-3-94.

[No. L-24012/47/86-D.IV(B)]IR(C.I.)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram,
Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 340 of 1986

PARTIES :

Employers in relation to the management of Jealgora Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 25th February, 1994

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union, Dhanbad for payment of prorata fixed dearness allowance for excess work under the provisions of NCWA-III to the piece rated trammers of Jealgora Colliery given in Annexure-A (below) is justified ? If not, to what relief the workmen are entitled ?"

ANNEXURE 'A'

1. Soharai Yadav
2. Rammaksudan
3. Saligram Singh
4. Abdul Hakim
5. Ram Giri
6. Ram Kirit
7. Ram Lakhan
8. Karu.

2. This reference is pending since 1986. From the record I find that the reference is pending since long for filing W.S. A number of time registered notices were sent and even then no W.S. could filed. Record further reveals that one Shri D. Mukherjee appeared for sometime on behalf of the workmen but none appeared on behalf of the management. Even Shri D. Mukherjee left doing pairvy since 3-6-93. It appears that parties have left their interest in pursuing the matter and the Court is left with no alternative but to pass a No dispute Award. Accordingly a 'No dispute' Award is passed.

B. RAM, Presiding Officer.

नई दिल्ली, 7 मार्च, 1994

का.आ. 803.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, म. भारत कोकिंग कोल लिमि. की लोयाबाद कोलियरी के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 7 मार्च, 1994 को प्राप्त हुआ था।

[संख्या : एल-20012/187/86-डी-3(ए)/आईआर-
(कोल I)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 7th March, 1994

S.O. 803.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Loyabad Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 7-3-94.

[No. L-20012/187/86-D.III(A)]IR(C.I.)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram
Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 360 of 1985

PARTIES :

Employers in relation to the management of Loyabad Colliery of Messrs. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 20th February, 1994

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/187/86 D III(A) dt. November, 1986.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Loyabad Colliery of M/s. Bharat Coking Coal Limited should give promotion from Clerical Grade-II to Clerical Grade-I to their workmen Sri Dinath Tewary, Sanitary Inspector and paying him wages for 14 days of his illegal idleness and overtime wages for Sunday on which he claimed to have worked is justified? If so, to what relief is the workman entitled?"

2. This matter is pending since 1986 for filling W.S. The record reveals that one Shri B. Joshi, learned Advocate for the management has been putting appearance but nobody appeared on behalf of the workmen. It appears that one Shri S. Bose had appeared on 20-5-92 and had prayed for time. Since then none appeared for the workman. As per terms of reference it was the demand of the RCMS that the management of Loyabad Colliery of M/s. BCCL should give promotion from Clerical Grade-II to Clerical Grade-I to their workman namely Shri Dinanath Tewary and others. Non-filing of the W.S. for so many years by the workmen/union will suggest that the union/workmen has got no interest in pursuing the matter. In the result, the Tribunal has got no option but to pass a no dispute Award. Hence, a 'No dispute' Award is passed.

B. RAM, Presiding Officer.

नई दिल्ली, 7 मार्च, 1994

का.आ. 804.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमि. की मधुबंद कोलियरी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करनी है जो केन्द्रीय सरकार को 7 मार्च, 1994 को प्राप्त हुआ था।

[संख्या : एन-20012/158/86-डी-(ए)/आईआर (कोल-I)]

मी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 7th March, 1994

S.O. 804.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Madhuband Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 7-3-94.

[No. L-20012/158/86-D.III(A)] [IR(C.I)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram.

Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d), of the I.D. Act, 1947.

Reference No. 316 of 1986

PARTIES :

Employers in relation to the management of Madhuband Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the employers.—Shri R. S. Murthy,
—Advocate.

On behalf of the workmen.—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 20th February, 1994

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/158/86-D.III(A) dt. 29th August, 1986.

SCHEDULE

"Whether the demand of Janata Mazdoor Sangh that the management of Madhuband Colliery of Bharat Coking Coal Limited should give Category-IV wages to their workmen S/Shri Sardha Bania, Ramchandra Gope and Baleshwar Bhuia who worked in the said Colliery before their transfers in October/November, 1985 is justified? If so, to what relief are these workmen entitled?"

2. This reference is pending since 1986 for filling W.S. No W.S. could be filed even after registered notices were sent to the parties concerned. I find that one Shri R. S. Murthy appeared on behalf of the management but none appeared for the workmen. As per terms of reference it was the demand of the Janata Mazdoor Sangh that the management of Madhuband Colliery of M/s. BCCL should give Cat. IV wages to their workmen namely Shri Sardha Bania and others. Actually it was for the workmen to file their W.S. at the earliest. Non-filing of the W.S. by the workmen and sitting over the matter for years together will

simply suggest that the union has got now no interest in the dispute. In the circumstances a 'No dispute' Award is passed.

B. RAM, Presiding Officer.

नई दिल्ली, 3 मार्च, 1994

का.ग्रा. 805.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कारपोरेशन आफ इंडिया के प्रबन्धतन्त्र से संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2 मार्च, 1994 को प्राप्त हुआ था।

[संख्या : एन-22012/30/एफ/92-आईआर (सी-I)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd March, 1994

S.O. 805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 2-3-94.

[No. L-22012/30/F/92-IR(C-1)]

RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT :

Shri B. Ram,
Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 26 of 1992

PARTIES :

Employers in relation to the management of Food Corporation of India, Patna and their workman.

APPEARANCES :

On behalf of the workmen.—Shri V. Kumar, State Joint Secretary FCIES Union.

On behalf of the employers.—Shri M. S. Khan, authorised representative.

STATE : Bihar.
Dhanbad, the 18th February, 1994

INDUSTRY : Food.

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-22012/30/F/92-I.R. (Coal-I), dated, the 2nd June, 1992.

SCHEDULE

"Whether the action of the management of Food Corporation of India, Patna in dismissing Shri B. N. Prasad from service is legal and justified? If not, to what relief the concerned workman is entitled?"

2. The action of the management in dismissing Shri B. N. Prasad from his services has been challenged in this reference.

3. The concerned workman was initially appointed as weightment clerk on 29-7-59 by the Deputy Director (Food), Govt. of India. The FCI Act was created in 1964 and thereafter the services of all the employees including that

of the concerned workman in Food Department, Govt. of India were transferred to the management of FCI under section 12A of the FCI Act, 1964. After transfer of services the concerned workman was promoted to the Junior Godown Keeper (AG-II depot) in 1971 and again Sr. Godown keeper in 1973 by the Zonal Manager, Calcutta.

4. In the year 1988-89 the concerned workman was posted as Asstt. Grade-I (Depot) at Food Storage Depot Hazaribagh. During his tenure at Hazaribagh an incident of theft and pilferage took place on 19-11-88 and that he requested the management to take suitable action against the culprit but as alleged no action was taken. On the other hand a physical verification of the stock and stores of the corporation was ordered to be conducted by a team of officers headed by Shri Sudama Ram and that too in absence of the concerned workman. After that the concerned workman was put under suspension on 16-1-89. However, as per terms of the settlement before the ALC(C) Hazaribagh the order of suspension was revoked and the concerned workman was paid his full salary. It is stated that in due course a chargesheet was issued against the concerned workman in respect of shortage of wheat and gunny bags and also for absence from his duty at the time of verification. Lastly a domestic enquiry was conducted and the concerned workman was dismissed from service by the Sr. Regional Manager, Incharge, FCI Patna without any notice and any opportunity of being heard about the proposed punishment.

5. The concerned workman also filed an appeal against the order of dismissal before the Zonal Manager, FCI, Calcutta who was the appellate authority but the said appeal was also rejected without giving any chance of personal hearing.

6. As regards from duty it was stated that the concerned workman was granted casual leave for 3 days with the District Manager, FCI, Hazaribagh but he was forced to stay beyond 3 days on account of fatal accident of his son which was in the complete knowledge of the enquiry Officer but even then he was held guilty of absence.

7. On these grounds it has been prayed that the order of dismissal dt. 30-3-91 be set aside and the concerned workman be reinstated with full back wages.

8. According to the management the concerned workman was working as Asstt. Grade-I (Depot) in the year 1988-89 and was posted as Incharge, FCI Storage depot at Suriya, Hazaribagh. The depot was under the direct control and supervision of the concerned workman. The staff working at Suriya depot were also under the control and management of the concerned workman. The watchmen under the control of the concerned workman were on round the clock duty. It was the duty of the depot incharge being the custodian to open and close the depot with the keys to be always preserved by the concerned workman. This means all the operation of the depot were to be carried out under the direct control and supervision of the concerned workman.

9. The District Manager, Hazaribagh constituted a committee on 5-1-89. The committee found shortage of 984 bags of wheat weighing 1058 Qnts. 47 KG and 500 Grams and 1,018 empty gunny bags.

10. It was stated that the concerned workman started absconding from 7-1-89 and he did not report for duty. Since the key was with the concerned workman the godown could not be opened on 7-1-89 and the said could be opened only on 11-1-89 when the concerned workman sent the keys through Shri Anil Kumar Sharma, Shifter when the committee decided to break the lock of the godowns. The investigation was complete on 14-1-89 and a report was submitted showing the above shortage.

11. It was submitted that according to the provision of the FCI Staff Regulation, 1971 framed under Section 45 of the Food Corporation Act, 1964 with the previous sanction of the Central Government the Sr. P., M.I.R. M. are competent disciplinary authority to take all disciplinary action including the dismissal of the workman of the Cat. IV and III.

12. The concerned workman had committed misconduct under Regulation 51, 32 and 32(a) of the FCI Staff Regulation 1971. As said under memorandum dt. 18-5-89 he was stated to have failed to maintain absolute integrity and devotion to duty and thus committed grave act of misconduct. He was also charged for going absent without prior approval of the competent authority and without handing over charge and key of the godown either to his junior or Sr. who were at FSD, Suriya. The concerned workman replied to the chargesheet which was found not satisfactory giving rise to the departmental domestic enquiry. In the enquiry he was found guilty and lastly he was dismissed from the services. The departmental enquiry, as submitted was conducted fairly, proper and in accordance with the principles of natural justice.

13. While giving parawise reply to the W.S. of the concerned workman it was stated that during the conciliation stage the ALC(C) requested the management to pay full wages to the concerned workman during his period of suspension. Accordingly the management paid him full wages instead of suspension allowance. It was thus submitted that the concerned workman has got no case and not entitled to any relief as claimed by him.

14. The question for consideration is as to whether the concerned workman is entitled for reinstatement with full back wages.

15. A departmental enquiry vide Memorandum dt. 18-5-89 was initiated against the concerned workman for the misconduct which he was alleged to have committed while working as AG-I(D) and holding the charge of F. S. Depot Suriya during the period 1988-89.

16. A regular departmental enquiry in accordance with the Regulation 58 of the FCI (Staff) Regulation, 1971 was conducted in which the concerned workman participated. After completion of the enquiry the E. O. submitted his report holding the concerned workman guilty of two charges namely shortage of food grains and absence from duty without any authority. However, the charges concerning empty gunny bags could not be established. The concerned workman represented his case on 28-12-90 against the report of the E.O. before the SRM, FCI Patna. A Sr. R.M. who is also the disciplinary authority examined the report of the enquiry officer and the representation of the concerned workman and came to the conclusion that the charges levelled against the concerned workman were wholly established and he was found unfit to be retained in the services of the corporation. Accordingly a penalty of dismissal was imposed vide order dt. 30-3-91.

17. The concerned workman being aggrieved with the order of the disciplinary authority filed an appeal before the Zonal Manager, East who after having perused the entire materials upheld the order of the disciplinary authority and rejected the appeal petition vide order No. Vig-3(13)/91 dt. 5-12-91.

18. The question arises as to whether there were sufficient materials before the Enquiry Officer to hold the concerned workman guilty of the charges. It may be mentioned at the very out set that the fairness and propriety of the domestic enquiry has also been accepted by the workman and therefore the Tribunal is not required to go into the fairness or otherwise of the enquiry but certainly while passing award certain aspects of the matter emerging from the enquiry proceeding as also keeping in view the representation petition dt. 28-12-90 of the concerned workman, cannot be overlooked. It has been stated in the representation petition that the Enquiry Officer did not examine the concerned workman as witness nor he was allowed to adduce any defence witness. I have looked to the enquiry proceeding and it states nowhere that the statement of the concerned workman was recorded or he refused to make any statement. The proceeding also does not show that the concerned workman declined to examine any defence witness. All these things should have been specifically noted in the proceeding itself or in the separate ordersheet. In the enquiry report dt. 27-11-90 it has been stated that the defence side has not examined any witness in defence of his case. I think this will not satisfy the requirement of enquiry proceeding. The enquiry

report is supposed to be solely based upon the materials brought during the enquiry proceeding. In the enquiry proceeding there is no mention of the facts that the concerned workman refused to make any statement and examine any witness. However, this will not be a good ground to hold the workman not guilty because the representative of the workman has already accepted the fairness of the enquiry.

19. First of all let us examine certain legal aspect of the matter as raised by the learned representative of the concerned workman. It was contended that Shri H. L. Prasad was not the legal authority to pass any order of dismissal. On 30-3-91 the day when an order of dismissal was passed Shri Pd. was not Senior Regional Manager and so was not competent to pass any order. In this connection reference was made to the necessary provision contained under Article 311(1)(a) of the Constitution of India which provides that a Civil Servant should not be dismissed or removed by any authority subordinate to that by which he was appointed. By taking recourse to this provision of the Constitution the learned representative submitted that the concerned workman was promoted by the Zonal Manager and his promotion will be deemed to be the fresh appointment. In this way he wanted to impress upon that the concerned workman should have been dismissed by the Zonal Manager. Alternatively it was also contended that the disciplinary authority was not the Senior Regional Manager rather he was simply the incharge of the Sr. R. M. Reference was made to an order dated 17-7-90. The order dated 17-7-90 (Ext. W-12) Part II reads as follows :—

"Shri H. L. Prasad, Regional Manager, Bihar Patna will officiate as Senior Regional Manager till a regular incumbent is posted as Senior Regional Manager (Bihar)".

This definitely means that Shri Prasad was not the Senior Regional Manager on 30-3-91. He was simply officiating as Senior Regional Manager. Reference was also made to the circular No. 34 dt. 23-12-82 of the F.C.I. Headquarters, New Delhi. Clause II of the circular specifies that an officer who has been asked to discharge the current duties of Regional Manager/Sr. Regional Manager/Zonal Manager cannot be deemed to be a fullfledged Regional Manager/Sr. Regional Manager/Zonal Manager in the matter of exercising statutory power. It further states that in regard to disciplinary matters under the Staff Regulation the powers are to be exercised by a regular incumbent of the Office.

20. On the other hand the management has filed a photo copy of the Discipline and Appeal Regulations (Annexure-7). It states that in case of Cat. III employee Sr. R.M./R.M. and Joint Manager are competent authorities to impose any kind of punishment. It was urged that even supposing Shri H. L. Prasad was not Senior Regional Manager still he as Regional Manager was quite within his competence to impose penalty of dismissal upon the concerned workman. The management also filed an unreported decision of the Hon'ble Patna High Court passed in CWJC 807 of 1990 (Arjun Pd. versus—The Food Corporation of India & other). There also his Lordship upheld that a Regional Manager was a competent disciplinary authority in relation to Class III employee. In the light of these documents and the authority I find sufficient force in the contention of the management and I am to hold that Shri H. L. Prasad was the competent disciplinary authority in case of the concerned workman who was Class III employee.

21. It was contended that the concerned workman was dismissed but admittedly he was not given any opportunity of being heard about the proposed penalty. The learned representative for the workman also relied upon a circular dt. 29-11-79 of Vigilance Circular rules of FCI, at page 42 wherein it has been clearly stipulated that second show-cause notice be invariably issued in all cases where the penalty of dismissal, removal and reduction in rank is proposed on Food department transferees. It was submitted that the concerned workman was initially appointed as Clerk in 1959 by the Dy. Director Food, Govt. of India. After creation of FCI in the year 1964 the services of all the Govt. servant working in Food department of Govt. of India including the concerned workman were transferred to the management of FCI under Section 12(a) of the Act,

1964 and thus the concerned workman was an employee of the Food department transferee. Anyway while giving parawise reply to the W.S. of the concerned workman it was denied that the concerned workman was not given any opportunity to defend his case before imposing penalty of punishment. I find no document was brought on the record to support the view that the concerned workman was heard before proposed penalty of dismissal. In this very context a reference was made to the provision of Clause 14(4)(c) of the Industrial Employment Standing Orders Act, Circular rules, 1946 which provides that the workmen should be given reasonable opportunity of making representation on the penalty proposed. It was also submitted that since the FCI has got no Certified Standing Orders of its own and therefore the Industrial Employment (SO), Central Rules, 1946 will apply. Thus it is quite established that the concerned workman was not given any opportunity to show cause before he was given the punishment of dismissal.

22. It was also contended that the concerned workman had filed an appeal against the order of dismissal before the Zonal Manager. The order of the Zonal Manager, dt. 5-12-91 does not speak anywhere that the concerned workman was given any personal hearing. It simply states that the appellate authority while considering every materials on the record had rejected the appeal petition filed by Shri B. N. Prasad on 14-5-91. A photo copy of the Office circular dt. 31-10-91 received from the department of Personnel and training has been filed which stipulates the appellate authority after considering all the relevant circumstances of the case may at its discretion allow a personal hearing to the appellant where the appeal is against the order imposing major penalty. Definitely personal hearing as disclosed was not very much obligatory on the part of the appellate authority but while confirming the penalty of dismissal one thing should have been considered that the concerned workman had no bad service record and there was nothing to show that he had ever been prosecuted or reprimanded by the department for any act during his whole tenure of service. It was submitted by the learned representative that the concerned workman will be retiring only after one year from now. In the circumstances the concerned workman should have been given a chance of personal hearing by the Zonal Manager. It was contended that on these two ground the order of dismissal can be very well set aside. I find that all these are legal necessities which ought to have been complied with by the department.

23. As regards the materials available during the course of enquiry it can be very well said that there were sufficient materials to hold the concerned workman guilty of the misconduct. The management had examined a good number of witness to support the contention of the management. Physical verification of the stock was conducted in presence of staff officials and shortage of wheat as detailed above was found. The contention of the concerned workman that while taking charge bags of wheat were not counted and so he was not responsible for any shortage. I think the contention cannot be appreciated. It was the responsibility of the concerned workman to take charge after thorough physical verification and counting of the bags. The whole responsibility will go against the concerned workman if any shortage is detected later on. Admittedly a theft had occurred on 9-11-88 and the concerned workman had reported the management for action. PW-2 Shri Sudama Ram has also admitted that there was a theft and a physical verification of shed D was conducted in the month of November, 1988 and the detailed report was sent to the District Manager, Hazaribagh. Again from the evidence of PW-5, I. C. Sarchana D.M. (G) it appears that after occurrence of theft a physical verification of the stock was ordered on seeing the condition of Shed D. Be that as it may, I find that theft case cannot be linked with the shortage as complained against the concerned workman. Definitely I find that there was one confessional statement of Shri A. K. Singh Watchman who stated to have confessed before so many employees on 19-11-88 that he had dup keys of the locks and accordingly the concerned workman had requested the management for supply of another keys of the godown. Definitely it was not one or two locks which could have been replaced at any moment. There were so many locks which were required to be replaced. In this connection reference may be made to the evidence of PW-2 Shri Sudama Ram A.M.(G) who has stated that the requisition for purchase of

new locks was received and the order of the D.M. was accordingly obtained for its purchase of M/s. Godrej Locks but during that period in the month of December stock was exhausted and the locks could be subsequently supplied in the month of January, 1989. It was rightly held by the Enquiry Officer that the concerned workman could not have shirked his responsibility because he was the custodian and whole and sole incharge of the depot. One thing has to be remarkably noted that there was shortage of 984 bags of wheat weighing 1058 quintals but surprisingly enough no case of theft was every registered in the Police Station. Definitely a P. S. case would have shown the collusion of all real culprits involved in this case.

24. As regards absence from duty it is stated on behalf of the workman that he was prevented by unforeseen circumstances from reporting to his duty on account of fatal accident of his son. I find that no iota of evidence either oral or documentary was brought on record to show that the accident was so fatal which prevented the concerned workman from attending his duty at the time of physical verification of the stock. Again we find that the key of the godown was presented by Shri A. K. Sharma, Senior Shifter. The concerned workman should not have given such key to any person other than his junior or senior colleague and this also goes to show serious lapses on his part.

25. I have examined the materials available on the record and I am to hold that the enquiry officer rightly came to the conclusion that the concerned workman was guilty of two charges but as discussed above he was not afforded any opportunity of being heard before proposed penalty which was a legal compliance to be definitely made by the disciplinary authority. Again he was not given any personal hearing when his appeal was heard by the appellate authority. On account of these legal lacunae I am constrained to hold that the order of dismissal dt. 30-3-91 is not justified and that too when the concerned workman had no previous bad antecedents. Thus the order of dismissal dt. 30-3-91 is hereby set aside and the concerned workman is ordered to be reinstated within two months from the date of publication of the Award. There was no question of any back wages for he has already been receiving full wages even during the period of suspension. But he will get continuity of service.

B. RAM, Presiding Officer.

नई दिल्ली, 3 मार्च, 1994

का.ग्रा. 806.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे मैसूर के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-3-1994 को प्राप्त हुआ था।

[सं. एल-41012/90/87-डी-II (बी) (पार्ट)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 3rd March, 1994

S.O. 806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Rly. Mysore and their workmen, which was received by the Central Government on 1-3-94.

[No. L-41012/90/87-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, this 18th day of February, 1994

PRESENT

Sri M.B. Vishwanath, B.Sc., B.L.,

Presiding Officer.

Central Reference No. 12/89

I party	v/s.	II party
Sri Wilfred Pinto, s/o. Late M. S. Pinto, No. 20, E.W.S. house, Sewage Farm Road, Mysore-8.		The Dvl. Rly. Manager, Southern Railway Office, Southern Railway, Mysore.

(By Sri R. S. Vidyashankar, Advocate).	(By Sri J. Nagaraj, Advocate).
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AWARD

In this reference made by the Hon'ble Central Govt. by its order No. L-41012/90/87-D.II(B) Under Sec. 10(2A)(1)(d) of the I.D. Act the point for consideration as per Schedule to reference is :

"Whether the action of Dvl. Rly. Manager, Southern Railway, Mysore in dismissing Sh. Wilfred Pinto from service w.e.f. 31-12-85 is justified ? If not what relief the workman is entitled to ?"

2. The allegations against the I party workman as per charge sheet Ex.M.1 was that he absented himself from duty from 2-7-83 without permission of the competent authority. The charge sheet was issued to the I party workman. Departmental Enquiry was held against him and ultimately the I party was dismissed from service w.e.f. 31-12-85.

3. After recording the evidence, by a separate considered order dt. 21-6-93 this Tribunal has set aside the D. E. held against the I party workman.

4. After setting aside the D.E., this Tribunal has directed the II party to justify its action by adducing further evidence.

5. This Tribunal has granted about a dozen adjournments to the II party to adduce further evidence and justify its action. The II party has not adduced any evidence to justify its action. On 12-1-94 the Learned counsel for the II party prayed for adjournment to adduce further evidence. This was opposed by the Learned Counsel for the I party workman. Since enough adjournments had already been granted to the II party to adduce further evidence and justify its action, further adjournment was refused on 12-1-94 and II party's evidence was taken closed.

6. Subsequently I party W.W.1 again examined himself on merits and closed his case.

7. From what is narrated above it absolutely clear that II party has not adduced any evidence to justify its action, viz., the I party absented himself unauthorisedly for 435 days. The Learned counsel for the II party relied on the enquiry papers to show that the I party workman had not submitted any leave application and had unauthorisedly absented himself. Since the D. E. had been set aside, it is not legally proper for this Tribunal to look into departmental enquiry papers to hold that the I party was absent unauthorisedly.

8. The Learned counsel for the II party relied on Ex. W.1 which is the copy of the Judgment in C.C. 1178/82 before the Learned Munsiff, Sakaleshpur passed on 6-3-85. This was a criminal case filed by the Railways against the I party workman (1st accused) and another accused. This offence related to theft of 12 axle boxes from a railway wagon. The Learned counsel for the II party further relied on Ex. W.2 Ex. W.2 is the copy of the Judgment in

C.C. 4748/81 before the Learned Jnd Addl. C.J.M., Mysore. This Criminal case had been filed by the Railways Protection Force against I party workman (Accused No. 3) and two others alleging that A.1 had received 10 items of brass materials from A.2 and A.3 which was railway property. A.2 also was a Railway Employee.

9. On the strength of Exs. W.1 and W.2, it is argued by the Learned counsel for the II party that the I party had committed offences of theft and he should not be reinstated. I am unable to accept this argument. In both the criminal cases that I party workman has been acquitted. Moreover the Offence alleged in those two criminal cases has nothing to do with the allegation in the charge sheet in the present reference. The present reference relates to unauthorised absence of I party without leave applications. Though enough time was granted to II party, the II party has not adduced any evidence to show that I party remained absent unauthorisedly. I hold therefore that the II party has not justified its action, viz., the I party workman was unauthorisedly absent.

10. For the aforesaid reasons, I am of opinion, the I party has to be reinstated.

11. The Learned counsel for the I party workman seriously pressed for heavy costs in favour of the I party workman against the II party. In instant case I am not inclined to award costs. The Learned counsel for the I party workman submitted that the I party workman should be granted full back wages. The Learned counsel for the II party submitted that in any case the I party should not be granted back wages. I am of opinion that 50 per cent of back wages will meet the ends of justice.

ORDER

The order of the II party Divisional Railway Manager, Southern Railway, Mysore in dismissing the I party workman from service w.e.f. 31-12-1985 is not justified. The II party is directed to reinstate the I party workman with seniority and continuity of service. The II party shall pay 50 per cent of the back wages to the I party workman. Award passed as stated herein. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 18th day of February 1994).

M. B. VISHWANATH, Presiding Officer.

नई दिल्ली, 3 मार्च, 1994

का.आ. 807. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेशन हेडक्वार्टर मिल्ट्री कैम्पस, त्रिवेंद्रम के प्रबंधन के संबंध निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निषिद्ध औद्योगिक विवाद में औद्योगिक अधिकरण कोलम के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-3-94 को प्राप्त हुआ था।

[सं. एल-14012/25/92-आईआर (डी-यू) (पार्टे)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 3rd March, 1994

S.O. 807.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Station Headquarters Military Campus, Trivandrum and their workmen, which was received by the Central Government on 1-3-1994.

[No. L-14012/25/92-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer.

ANNEXURE
IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
KOLLAM

(Dated, this the 18th day of February, 1994)

PRESENT :—

Shri C. N. Sasidharan, Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 36/93.

BETWEEN :

The Station Commander, Station Headquarters Military Campus, Pangode, Trivandrum 695 006.

AND

Shri K. V. Menon S/o. Late Sandunni Nair, T. C. 17/829, Santhi Bhavan, Poojappura, Trivandrum.

(By Shri K. K. Bhavadass Menon, Advocate, Palghat)

AWARD

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L-14012/25/92-IR (DU), dated 20-10-1993.

The issue for adjudication is the following :—

Whether the action on teh part of the Station Commander, Station Headquarters, Trivandrum in terminating the services of Shri K. V. Menon as an Accountant in the Station Canteen, Military Campus, Trivandrum w.e.f. 1-4-1991 is legal and justified ? If not, to what relief the workman is entitled. ?”

2. In answer to notices issued from this Tribunal both sides entered appearance and the worker filed his claim statement on 30-12-1993. The case was adjourned for reply statement of management on 29-1-1994. On that day the management remained absent without any reason whatsoever. Hence the case was adjourned to 16-2-1994 for disposal. On that day also the management remained absent. No adjournment was also sought on behalf of the management. Accordingly the management was set ex-parte. The workman examined himself as WW-1 and Exts. W-1 and W-2 have been marked on his side.

3. The workman as WW-1 has deposed that he was appointed by the management as per order dated 27-7-1989 that he had worked as per order dated 27-7-1989 that he had worked there from 1-8-1989 to 31-3-1991 as Accountant that he was dismissed from the service of management without framing any charge and without giving any notice that the canteen in which he was working is under the Station Commander that his dismissal is illegal and that he is entitled to be reinstated in service with all benefits as a permanent workman. In the claim statement filed by the workman there is claim for pay and allowances on par with Central Government employees with effect from 1-1-1989 also.

4. In the absence of contest I accept the claim statement of the workman and his deposition and hold that the termination of the workman is illegal and he is entitled to be reinstated in the service of management with all benefits as claimed in his claim statement.

5. In the result, an award is passed holding that the termination of the workman Shri K. V. Menon as Accountant from the service of management is illegal and unjustified and directing the management to reinstate him in service with all benefits.

C. N. SASIDHARAN, Industrial Tribunal.

APPENDIX

Witness examined on the side of the Workman :
WW-1. Shri K. V. Menon.

Documents marked on the side of the Workman :

Ext. W-1. Photostat copy of appointment order dated 29-7-1989 issued to the workman Shri K. V. Menon from the management.

“ W-2. Photostat copy of letter addressed to the management from the Central office of management Madras, dated 19-3-1991.

नई दिल्ली, 4 मार्च, 1994

का.आ. 808.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीकाम डिपार्टमेंट वारंगल (आ.प्र.) के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-94 को प्राप्त हुआ था।

[सं. एल-40012/20/91-आई.आर. (डीयू) (पार्टे)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 4th March(1994

S.O. 808.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Telecom, Warangal (A.P.) and their workmen, which was received by the Central Government on 4-3-94.

[No. L-40012/20/92-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT ::

Sri. Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 15th day of February, 1994
INDUSTRIAL DISPUTE NO. 56 OF 1991

BETWEEN

Sri A. Narender, S/o Narsimha Ramulu, C/o Bhikachapati, Wireman, Telephone Bhavan, Warangal, (A.P.)

AND

The Sub-Divisional Officer, Department of Telecommunication, Mahboobnagar, Warangal District. (A.P.)
Respondent.

APPEARANCES :

M/s. C. Suryanarayana and P. Bhaskar, Advocates for the Petitioner.

M/s. M. Panduranga Rao & B. G. Ravinder Reddy, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/20/91-IR(DU), dt. 4-10-1991 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Telecom, Warangal (A.P.) and their workmen to this Tribunal for adjudication :

“Whether the action of the management of M/s. Telecom, Mahboobabad (A.P.) represented by their

Sub-Divisional Officer, in terminating the service of Sri A. Narender is justified? If not, to what relief, the workman concerned is entitled?"

This reference was registered as Industrial Dispute No. 56 of 1991 and notices were served on both parties.

2. The brief facts of the claims statement filed by the Petitioner-workman read as follows :—

The Petitioner's claim for reinstatement in service is based on the fact that he was initially recruited and employed by the A.E. Phones, and TKs, Warangal and later by the Respondent herein for 368 and 124 days respectively but the employment was continued in both the Sub-Divisions of the same Warangal Division which regulates the seniority and absorption etc. of the Casual Mazdoors in the Department. He was recruited and employed during the period from December 1985 to May 1987 but retrenched thereafter on the ground that he was recruited after 30-3-85 contrary to the order of the Director-General, P&T New Delhi prohibiting any fresh recruitment and employment of Casual Mazdoors. The Petitioner was not given notice nor paid wages as per the mandatory provisions of Section 25-F of the I.D. Act even though he had rendered 335 days of service during the year preceding the date of his retrenchment, viz. 15-5-1987. In daily rated casual labour P&T v. Union of India & others (AIR 1987 SC 2342). The Supreme Court directed that a scheme be worked out by the P&T Departments to absorb, as far as possible, the Casual labourers who have rendered one year continuous service (with at least 240 days service to their credit). Thus, the Supreme Court conferred on the workman the right of absorption in the regular establishment of the Departments because the Casual workman no longer remains 'casual' after rendering one year continuous service. Notwithstanding the aforesaid direction of the Supreme Court, the petitioner was retrenched from service on the fallacious ground that he was recruited after 30-3-1985 the date on which the Director-General imposed ban on fresh recruitment/employment of Casual Mazdoors. The retrenchment was without complying with the mandatory provisions of Section 25-F of the I.D. Act. The Petitioner submits that after absorbing several mazdoors, the Telecom Department issued orders dt. 7-11-1989 to grant temporary status to those who could not be absorbed in the regular establishment for want of vacancies. It is thus clear that continuous one year service as casual labourers Telecom Department entitles them to temporary status pending their absorptions in the regular establishment of the Department, according to their turn in the seniority list of casual mazdoors of a recruitment unit and for preparing the seniority list the Director-General issued separate orders. The petitioner therefore prays that this Hon'ble Tribunal may be pleased to hold and declare that his retrenchment is illegal and to direct the Respondent herein to reinstate him in service with full back wages, continuity of service, protection of his seniority and all other benefits which are consequential and/or incidental to such reinstatement and to pass the award accordingly.

3. The brief facts of the counter filed by the Respondent-Management read as follows : It is submitted that the petitioner were never terminated as he was only working on casual basis and the casual mazdoors were offered work as and when the same is available. It is submitted that the Department engages casual mazdoors as and when temporary works are taken up for laying ground cables and construction of overhead alignments are taken up. As soon as the work is over, the employment of the casual mazdoor comes to an end. It is submitted that in the case of casual mazdoors, work is not continuous, and their engagement depends upon the availability of work. The petitioner was engaged as a casual mazdoor in the Sub-Division on the following dates viz., 23 days in January 1987, 25 days in February, 1987, 27 days in March 1987, 4 days in the same month of March 1987, 30 days in April 1987 and 15 days in May 1987. It is submitted that there is a procedure laid down for recruitment of regular employees in the department and therefore the claim of the petitioner that he should be made a permanent employee is not maintainable. Such disengagement will not amount to termination and such disengagement is automatic in the case of casual mazdoors. It is sub-

mitted that the petitioner is not entitled to continue in service mechanically as a casual labour. The contention of the petitioner that he is entitled for regularisation is not relevant for purpose of this case and the same is beyond the scope of reference made by the Government. It is therefore prayed that this Hon'ble Tribunal may be pleased to pass an award holding that the petitioner is not entitled for any relief.

4. The point for adjudication is whether the action of the Management in terminating the service of Sri A. Narender is justified or not?

5. W.W1 was examined on behalf of the Petitioner workman and marked Ex. W1 to W6. No oral or documentary evidence has been adduced on behalf of the Respondent-Management.

6. W.W1 is A. Narender. In brief he deposed that he joined the Respondent Department in December 1985. He joined the Department as Casual Mazdoor and he used to dig trenches, cable laying, erection of poles etc. He worked in the Department till 15th May, 1987. Ex. W-1 is xerox copy of working days particulars. He was retrenched from service with effect from 15-5-1987. At the time of his retrenchment from service, he was neither given notice nor he was paid wages in lieu of notice. No reasons were furnished at the time of his termination. For the workers he used to do as casual mazdoor are still being continued by the department. Till end of 1987 he visited the office of the S.D.O.T. regularly for work but he was not entrusted any work. Then the S.D.O.T. refused to take him back into the service on the plea he was recruited after 30-3-1985. Ex W2 is the xerox copy of the said ban. Thereafter he made a complaint to the Regional Labour Commissioner for his illegal retrenchment. Ex. W3 is the office copy of the said complaint dated 4-4-1989. Ex. W-4 is the para-wise remarks filed thereon. Ex. W-5 is the true copy of the rejoinder filed on the said para-wise remarks. Ex. W-6 is the xerox copy of the failure of conciliation proceedings. Some of the juniors were being continued at the time of his retrenchment. He therefore prays that this Hon'ble Tribunal may be pleased to declare that his retrenchment is illegal, null and void and reinstate him into service with all attendant benefits.

7. The contention of the Petitioner-Workman that the Supreme Court in Daily Rated Casual Labour, in P&T v. Union of India & others (AIR 1987 SC 2342) directed that a scheme be worked out by the P&T Department to absorb, as far as possible, the Casual Labourers who have rendered one year continuous service (with atleast 240 days service to their credit). Thus the Supreme Court conferred on the Workman the right of absorption in the regular establishment of the Departments because the Casual workman no longer remains 'casual' after rendering one year continuous service. Here in this case, the petitioner workman has rendered 335 days of service during the year preceding the date of his retrenchment i.e. 15-5-1987. Hence he is conferred the right of absorption in the regular establishment of the Department and he no longer remains as Casual. The further contention of the Petitioner-Workman that he was retrenched in view of the orders of the Director General, P & T New Delhi dated 30-3-1985 prohibiting any fresh recruitment and employment of Casual Mazdoors. The Petitioner workman relied upon the Principal Bench of the Hon'ble Central Administrative Tribunal, New Delhi declared that in view of the above mentioned judgement of the Supreme Court in AIR 1987 SC 2342, the executive orders of the Director General Order dated 30-3-1985 are no more valid and that even Casual Mazdoors recruited/employed after that date i.e. 30-3-1985 are entitled to absorption in the regular establishment on a regular basis on rendering one year continuous service vide its judgement dated 4-5-1988 in OA No. 529/88 between SUNDERLAL AND ORS. AND UNION OF INDIA & ORS. (unreported). In a subsequent decision dated 17-4-1990 in WP(C) No. 1280/89 & batch of cases between RAMGOPAL & ORS. v. UNION OF INDIA & ORS. etc. (not reported) the Hon'ble Supreme Court upheld the abovementioned judgement dated 4-5-1988 and declared that no distinction can be drawn between Mazdoors recruited before 30-3-1985 and those that

are recruited on or after that date and that all those who have rendered one year continuous service are entitled to the benefit of the judgement in AIR 1987 SC 2342. Thus it is clear that continuous one year service as casual labourers in the Telecom Department entitles them to temporary status ending their absorption in the regular establishment of the Department, according to their turn in the seniority list of casual mazdoors of a recruitment unit and for preparing the seniority list the Director General has issued separate orders. It is pertinent to note that the Respondent-Management has not rebutted to the decisions of the Supreme Court and other judgements mentioned above and that there is no whisper of such cited decisions mentioned in the counter of the Respondent-Management. Thus in view of the above facts and circumstances of the case, I find that the Petitioner-workman is entitled to be reinstated into service as the retrenchment is found to be illegal.

8. In the result, the action of the Management of M/s. Telecom, Mahaboobabad, (A.P.) represented by their Sub-Divisional Officer, in terminating the service of Sri A. Narendar is not justified. The Petitioner-workman is entitled to be reinstated into service with full back wages, continuity of service protection of his seniority and all other benefits which are consequential and/or incidental to such reinstatement.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 15th day of February, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence.

List of Witnesses Examined for Petitioner:	List of Witnesses Examined for Respondent :
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W.W1—A. Narendar.—NIL.

Documents marked for the Petitioner/Workman

Ex.W1—Xerox copy of the Working day particulars of the Workman.

Ex.W2—Xerox copy of the Ban Orders.

Ex.W3—Complaint given to the RLC., Hyderabad.
4-4-89

Ex.W4—Parawise comments submitted by the Respondent.
11-7-89

Ex.W5—Rejoinder of the workman to Ex.W4.

Ex.W6—Failure of Conciliation Report.

Documents marked for the Respondent/Management :
NIL.

नई दिल्ली, 4 मार्च, 1994

का.प्रा. 809.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, बैंक आफ इण्डिया के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 3-3-94 को प्राप्त हुआ था।

[संख्या : एल 12012/56/91-आईआर (बी-2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 4th March, 1994

S.O. 809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management

of Bank of India and their workmen, which was received by the Central Government on 3-3-1991.

[No. L-12012/56/91-IR(B-ID)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, ANDHRA PRADESH, HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 9th day of February, 1994

Industrial Dispute No. 39 of 1991

BETWEEN

Sri B. Kasi Viswanatham, S/o B. Pentiaha,
C/o B. Pandu, Shivarampalli, R. R. District
Pin-500252. .. Petitioner.

AND

The Zonal Manager, Bank of India,
A.P. Zone, 4-2-41, Chamundeswari Complex,
Kachiguda, X Roads, Hyderabad-27. .. Respondent.

APPEARANCES :

M/s. G. Bikshapathi, G. Vidyasagar, V. Vishwanatham,
N. Vinesh Raj and G. Ravi Mohan, Advocates—for
the Petitioner.

Sri C. Niranjana Rao, Advocate—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by Order No. L-12012/56/91-IRB II dt. 24-6-1991 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the Management of the Deputy Zonal Manager, Bank of India, Secunderabad and their workman to this Tribunal for adjudication :

"Whether the action of the management of Bank of India in dismissing Shri B. Kasi Viswanatham from 20-5-1987 is justified? If not, to what relief is the workman entitled?"

This reference is registered as Industrial Dispute No. 39 of 1991 and notices were issued to the parties.

2. The brief facts of the claim statement filed by the Petitioner read as follows :—It is submitted that the Petitioner is an employee of the Respondent. He was appointed as Sepoy w.e.f. 5-8-1984, later on he was promoted as Cashier-cum-Clerk. During 1985-86, the Petitioner was working as Cashier-in-charge at Gudijala Branch in Visakhapatnam District. The said Branch was opened in December 1984 and the Petitioner was transferred to that Branch in January 1985. The Branch had only three staff members, namely, the Branch Manager, Cashier-in-charge and the petitioner herein, and a Sepoy. The petitioner was entrusted with the work of Cashier-in-charge apart from Accounts Department duties. It is submitted that the Petitioner was issued with a suspension order dated 4-2-1986, while he was working as Cashier-cum-Clerk, on the allegation that he misappropriated the funds of the customers. Thereafter the petitioner was issued with a charge sheet dated 20-9-1986 alleging the charges against the petitioner. The charges amount to act of gross misconduct within the meaning of para 19.5(J) of the Bi-partite Settlement which reads as follows: "Doing any act prejudicial to the interest of the Bank". Thereafter an enquiry was conducted into the alleged charges and ultimately the petitioner was dismissed from service by an order dated 20-5-1987 by the Deputy Zonal Manager, A. P. Zone, Hyderabad. An appeal preferred to the Zonal Manager was also rejected by an order dated 28-9-1987. Para 19.5(J) of the Bi-partite Settlement is not applicable to the present charges and the alleged charges do not fall within the definition of misconduct under the above para. The punishing authority equally failed to see that the charges framed against the Petitioner are not

established and in any event the punishment of dismissal from service is out of all proportions and shockingly disproportionate to the charges alleged against the petitioner. It is therefore prayed that the Hon'ble Court may be pleased to hold that the action of the Respondent in dismissing the petitioner from service is illegal and consequently pass an award directing the Respondent to reinstate the petitioner into service with all consequential benefits including back wages and pass orders as deemed fit and proper.

3. The brief facts of the counter filed by the Respondent Bank read as follows:—It is submitted that the Petitioner was issued with a suspension order dated 4-2-1986 for certain grave and serious misconducts committed by him and subsequently a detailed charge sheet bearing No. ZO : IL : AKK : 486 dated 20-9-1986 was also issued against the petitioner. It is submitted that to give fair and reasonable opportunity to the petitioner to defend his case a domestic enquiry was ordered by the Respondent on the very same day of issuing charge sheet i.e. 20-9-1986. The petitioner participated in the enquiry along with his co-employees Mr. Ganesh S. Iyer and availed the opportunity given to him. Infact he along with his defence representative duly cross-examined all the eight Management witnesses and also examined himself along with another employee in support of his case. It is submitted that the Enquiry Officer conducted a fair and proper enquiry in accordance with the principles of natural justice and the relevant provisions of the Bi-partite Settlement, the said enquiry does not suffer from any kind of infirmity. It is submitted that the Enquiry Officer submitted his report and found the petitioner guilty of the misconducts vide charge sheet dated 20-9-1988. The findings and report of the Enquiry Officer are based on material available on record and the same does not warrant any interference from this Hon'ble Court. It is submitted that the charges proved against the petitioner are grave and serious in nature warranting the punishment of dismissal from service without notice. In any case to give a fair and reasonable opportunity to the petitioner, the Respondent issued a show cause notice bearing No. ZO : IL : AKK : 134, dated 21-3-1987 as to why the proposed punishment of dismissal should not be imposed against him, for each of the proved misconducts vide charge sheet dated 20-9-1986. The Petitioner infact was also given a personal hearing by the Respondent on 8-4-1987 in connection with the said show cause notice. The Petitioner availed the said opportunity and participated in the personal hearing along with his defence representative and also submitted a letter dated 8-4-1987 wherein he has categorically admitted guilty of the two charges. It is submitted that the Respondent after considering all the issues pertaining to the gravity and seriousness of the misconducts proved against the petitioner and after taking all other relevant circumstances into account passed a penalty order bearing No. ZO : IL : AKK : 185 dated 20-5-1987 dismissing the petitioner from service. The Appellate Authority gave the petitioner an opportunity of personal hearing on 15-9-1987 and thereafter passed detailed order dated 28-9-1987 confirming the punishment of dismissal against the petitioner. Infact the petitioner failed to make out any extenuating factors which may mitigate the gravity of the misconducts proved against him. On the otherhand, he pleaded guilty of the two of the charges before the Appellate Authority. Therefore the orders of the appellate authority are quite valid and justified. The allegation that the charges framed against the petitioner are false, baseless and arbitrary and para 19.5(j) of the Bi-partite Settlement is not applicable to the present charges and the same does not fall within the definition of misconduct, the said allegations are totally incorrect and misleading and the same are denied. Infact the petitioner is always at liberty to submit his explanation and there is no prohibition against the petitioner not to submit any explanation. Infact the punishing authority considered all the issues involved before passing the final orders and the misconducts were also proved in the enquiry. Further the misconducts proved against the petitioner are grave and serious in nature involving financial loss to the Respondent Bank. Therefore the punishment imposed against the petitioner is commensurate with the charges proved against the petitioner. It is understood that the petitioner is gainfully engaged after leaving the service and filed the present case to make speculative gains therefore all the allegations made in para 13 of the claim statement are hereby denied. It is submitted that the petitioner is not entitled for the relief of reinstatement with or without back wages and he said claim is hereby

denied. For the reasons stated above and those that may be urged at the time of hearing it is prayed that the Hon'ble Court be pleased to declare and award that the petitioner is not entitled for any relief.

4. The point for adjudication is whether the action of the Respondent-Management in dismissing Sh. B. Kasi Viswanatham w.e.f. 20th May, 1987 is justified or not?

5. No oral or documentary evidence has been adduced by the Petitioner-workman. No oral evidence has been adduced by the Respondent-Bank but marked Exs. M1 to M11.

6. The case of the Petitioner workman that the petitioner is an employee of the Respondent Bank, that during 1985-86 he was working as Cashier-In-Charge at Gudijala Branch, that he was entrusted with the work of Cashier-in-Charge apart from Accounts department duties, that he was issued with a suspension order dated 4th February, 1986 while he was working as Cashier-cum-Clerk, on the allegation that he misappropriated the funds of the customers, thereafter he was issued with a charge sheet dated 20th September, 1986, that thereafter an enquiry was conducted into the alleged charges, he was dismissed from service by an order dated 20th May, 1987, that an appeal preferred to the Zonal Manager was also rejected by an order dated 28th September, 1987. The contention of the Petitioner-workman that the charges framed against him are false, baseless and arbitrary, Para 19.5(j) of the Bipartite Settlement is not applicable to the present charges and charges do not fall within the definition of misconduct under the above para, that the findings of the Enquiry Officer are false and baseless, that the Enquiry Officer failed to see that the Petitioner was over-burdened with work load and there were certain minor irregularities, that the punishing authority equally failed to see that the charges framed against him are not established and that the dismissal from service is shockingly disproportionate to the charges alleged against him.

7. The allegation of the Respondent-Bank on the other hand that the Petitioner workman was issued with a suspension order dated 4th February, 1986 for certain grave and serious misconducts committed by him and subsequently a detailed charge sheet dated 20th September, 1986 was also issued against the Petitioner, that domestic enquiry was ordered by the Respondent, the petitioner participated in the enquiry along with his co-employee Mr. Ganesh S. Iyer and availed the opportunity given to him, in fact he along with his defence representative duly cross examined all the management witnesses and also examined himself the Enquiry Officer conducted fair and proper enquiry following the principles of natural justice, the Enquiry Officer found the petitioner guilty of misconducts in his enquiry report, the petitioner in fact was also given a personal hearing by the Respondent on 8th April, 1987 and also submitted a letter dated 8th April, 1987 wherein he has categorically admitted guilty of the two charges, that the Respondent after considering all the issues pertaining to the gravity and seriousness of the misconducts proved, passed a penalty order dated 20th May, 1987 dismissing the petitioner from service. Aggrieved by the said penalty order, the petitioner preferred an appeal dated 10th July, 1987, the Appellate Authority gave the petitioner an opportunity of personal hearing on 15th September, 1987 and passed detailed order dated 28th September, 1987 confirming the punishment of dismissal against the petitioner.

8. This Tribunal has to see whether the charges framed against the Petitioner were proved or not? Before going into the facts of the charges, this Tribunal has passed an order dated 30th November, 1991 on the preliminary issue holding that the domestic enquiry conducted by the Respondent-Bank held properly and it was not at all vitiated.

9. A perusal of the domestic enquiry proceedings Ex. M4 would reveal that the Petitioner-workman did receive the amounts of Rs. 400.00 and Rs. 600.00 from Mrs. S. Chittamadu but failed to account the same in Bank's books. It is also proved on inference that he has received Rs. 100.00 from Mrs. Chittamadu and did not issue her the receipted counter foil. The documentary evidence produced by the Bank and respective cash registers and ledgers and the counter foils produced by the Presenting Officer are sufficient evidence to prove that Sri B. K. Viswanatham did receive the amounts of Rs. 400.00, Rs. 600.00 and Rs. 100.00 on 6th April, 1985 and 13th October, 1985 from Mrs. S. Chittamadu and did not account for the same in the Bank's books. I find that the charge regarding misappropriation of Rs. 400.00,

Rs. 600.00 and Rs. 100.00 by Mr. B. K. Vishwanatham are proved. The next charge of fraudulent withdrawals, Mrs. S. Chittammadu has stated that Mr. Vishwanatham obtained her thumb impression fraudulently on the withdrawal slip and she being an illiterate person and unaware of the utility of the withdrawal slip had affixed her thumb impression at the behest of Mr. Vishwanatham, who obtained it from her to misappropriate her funds of Rs. 1,000.00 against the said withdrawal slip. Mr. Vishwanatham subsequently, to cover the surreptitious acts of withdrawal of Rs. 1000.00 from the account of Mrs. S. Chittammadu, went on to cover up his misdeed by making fictitious credit entries to the extent of Rs. 1005.00 into the Pass Book of Mrs. S. Chittammadu which fact was confirmed during the examination of Mr. B. K. Vishwanatham himself. Thus the charge of withdrawing Rs. 1000.00 from the account of Mrs. S. Chittammadu and to cover up this fraudulent withdrawals, made fictitious credit entries totalling to Rs. 1005.00 in the Pass Book of the customer to mislead her, stands conclusively proved. The other charge that Petitioner-workman has made a credit entry of Rs. 100.00 in Pass Book No. 7 of Mr. K. B. Naidu and this amount of Rs. 100.00 has not been accounted for in the Bank's Books of accounts. Mr. Naidu has confirmed in his deposition that he has given Rs. 100.00 for depositing in his account. This fact has also been confirmed by Mr. G. Lakshmana Rao, Staff Clerk, vide his letter and also in his deposition. The Petitioner in his statement on 4th February, 1987 stated that he made the credit entry in the pass book without receiving the cash, which obviously is unbelievable as there was no need to make this entry in the pass book by the Petitioner-workman when the concerned clerk was present on that day. The petitioner further stated in his deposition, that he updated the pass book with the entries whereas, it is found from the said pass book that the immediate earlier debit entry of Rs. 2,900.00 was made by Mr. Lakshmana Rao, the concerned clerk on that date. Hence, I find that the statements made by Petitioner workman are totally devoid of truth. Petitioner-workman has received the case of Rs. 100.00 from Mr. K. B. Naidu and has not accounted for the same in the books of account in the Bank. I find that through the witnesses and evidence brought in by the Presenting Officer of Pass Book, ledgers and letter, it has been proved that the Petitioner-workman did receive an amount of Rs. 100.00 on 2nd December, 1985 from Mr. K. B. Naidu towards deposit in his SB Account No. 7 and made corresponding credit entry in the pass book but did not account for the same in the banks account books and did not issue any counter receipt to the customer. Thus misappropriated the fund which proved beyond doubt. The last charge with regard to surreptitiously removing security cover from the cupboard. The theft of the title deeds was noticed by the Manager of the Branch, who made discreet enquiries in the village of the probable sale and purchase of the property to which he was confronted with one Sri Tida Appa Rao, who was reported to be the purchaser of the land covered by stolen title deeds. When the Manager informed Mr. Tida Appa Rao about the theft of the title deeds of the said land from the Bank, the purchaser, Sri Tida Appa Rao wanted to meet the petitioner to sort out the tangle, which was made clear by him in his letter dated 30th December, 1985 wherein, he has stated that Sri J. Appa Rao brought the title deeds to him for sale for a sum of Rs. 2,500.00 and the entire transaction was mediated by the petitioner-workman. In his deposition, Mr. Tida Appa Rao has informed that he returned the title deeds to the Petitioner workman who paid back the sale money to him. Since the manager was enquiring about the stolen title deeds from the villagers, the Petitioner-workman has come to the bank and has himself paid Rs. 2,500.00 in cash under his signature and hand writing into the loan account of Mr. J. Anna Rao on 20th January, 1986 and has also given a letter authorising the Manager to debit his account every month towards instalments and interest. It was also stated that he orally confessed to the Manager in the presence of Mr. Lakshmana Rao, Staff Clerk on the same day saying that he had removed the title deeds of Mr. Anna Rao from the security cover and also he is stated to have confessed about the misappropriation of funds from the accounts of Mrs. S. Chittammadu and Sri K. B. Naidu which is corroborated by Mr. G. Lakshmana Rao vide his letter. It is seen that the title deeds removed from the Security cover reached the hands of Sri J. Anna Rao, who in turn gave it to the purchaser, Mr. T. Appa Rao, on receipt of sale amount and finally Mr Tida Appa Rao returned the title deeds to the petitioner-workman, on discovery of its theft from Bank, against receipt of his sale amount from petitioner-workman. Hence I find that receiving back of title deeds

from Mr. Tida Appa Rao by the Petitioner-workman, mediation of petitioner in sale transaction, petitioner paying back Rs. 2,500.00 into the loan account of Sri J. Anna Rao, petitioner giving a letter to Bank to deduct instalments from his account and the letter of Staff-Clerk Sri G. Lakshmana Rao have conclusively proved the fact that Petitioner alone has removed the title deeds from the security cover to help his brother-in-law Mr. J. Anna Rao. Further it is pertinent to note that the Petitioner workman in his letter dated 8th April, 1987 has categorically stated the admission of two charges that the amount of three counter-foils i.e. Rs. 400.00, Rs. 600.00 and Rs. 100.00 were taken by him. So from the facts and circumstance of the case, I am of the firm opinion that the Petitioner workman has misappropriated the amount of Rs. 1,100.00. The Respondent-Bank being the financial institution require utmost integrity and honesty on the part of its employees.

10. In the result, the action of the Management of Bank of India in dismissing Sri B. Kasi Viswanatham with effect from 20th May, 1987 is justified and the workman is not entitled to any relief of reinstatement of back wages.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 9th day of February, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Petitioner/Workmen—Nil

Witnesses Examined for the Respondent/Management—Nil

Documents marked for the Management (By consent):

- Ex. M1/14-2-86—Suspension Order dated issued to Sri B. K. Viswanatham.
- Ex. M2/20-9-86—Charge Sheet issued to Sri B. K. Viswanatham.
- Ex. M3/20-9-86—Appointment of Enquiry Officer enclosing the charge sheet.
- Ex. M4—Proceeding of the Departmental Enquiry against Sri B. K. Viswanatham.
- Ex. M5—Enquiry Report.
- Ex. M6/21-3-87—Show Cause Notice issued by the Dy. Zonal Manager & Disciplinary Authority A.P. Zone.
- Ex. M7—Proceedings of the Personnel hearing in connection with the Show cause punishment notice to Sri B. K. Viswanatham, Staff Cashier in charge Gidijala Branch.
- Ex. M8/20-5-87—Penalty Order issued to Sri B. K. Viswanatham.
- Ex. M9/10-7-87—Representation given by Sri B. K. Viswanatham to the Zonal Manager, A.P. Zone & Appellate authority Bank of India, Hyderabad.
- Ex. M10/15-9-87—Proceedings of the Personal hearing held on 15th September, 1987.
- Ex. M11/28-9-87—Appellate Order in the matter of Appeal dated 10th July, 1987 filed Sri B. Kasi Viswanatham. Ex-Staff Cashier-in-charge, Bank of India, Gidijala Branch.

Documents marked for the Workmen—Nil

नई दिल्ली, 4 मार्च, 1994

का. आ. 810.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 3-3-94 को प्राप्त हुआ था।

[सं. एल-12012/427/90-आईआर(बी-2)]

बी.के. शर्मा, ईस्क अधिकारी

New Delhi, the 4th March, 1994

S.O. 810.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employees in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 3-3-94.

[No. L-12012/427/90-IR (B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I
Dated : 9th day of February, 1994
Industrial Dispute No. 46 of 1991.

Between:

Dy. General Secretary, Bank of
Maharashtra, Karamchhari Sangh,
Kachiguda, Hyderabad.

...Petitioner

And

The Regional Manager, Bank of
Maharashtra Regional Office, Bank of
Maharashtra, 4-3-379, Bank Street,
Hyderabad.

...Respondent

APPEARANCES:

Dy. General Secretary, Bank of Maharashtra
Karamchhari Sangh.

Petitioner in person

Chief Manager for the Respondent.

Both not present on 2-2-1994.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/427/90-IRB II dt. 6-3-1991 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the Management of Bank of Maharashtra and their workmen to this Tribunal for adjudication:

"Whether the action of the Management of Bank of Maharashtra is justified in punishing Sri M. V. L. N. Deo, Clerk for alleged unfair practice adopted in the examination? If not to what relief he is entitled to?"

This reference is registered as Industrial Dispute No. 46 of 1991 and notices were issued to both the parties.

2. The brief facts of the claims statement filed by the Petitioner-Sangh read as follows:—That Mr. M. V. L. N. Deo was earlier working in Bank of Maharashtra Visakhapatnam Branch. The Indian Institute of Bankers (IIB) conducts twice a year examinations for the Bank employees for their professional qualifications and after passing the said examination the Institute awards the CAIB, a professional qualification for bankmen. The Bank Managements give the financial benefits of one/two increments (additional) on passing the said examination. It has also been given weightage for the Promotional tests. Mr. M. V. L. N. Deo has appeared for the above examination in November, 1981 at Visakhapatnam Centre of Indian Institute of Bankers. There was an anonymous report about mass copying in the said examination at Visakhapatnam Centre. The Institute of its own had observed that one question of Book Keeping and Accounts on Bank Reconciliation Statement tallied with that of another clerk in Syndicate Bank and came to the conclusion that Mr. M. V. L. N. Deo had resorted to 'unfair practices' and debarred him from appearing the said examination for two years. Mr. Deo had challenged the decision of the IIB and issued a legal notice to them also. The matter was being dealt with the Institute. But in the meanwhile the Regional Manager and Disciplinary Authority issued a show cause

notice and charge sheet to Mr. M. V. L. N. Deo and conducted a regular Departmental Enquiry and which was defended by their Union representative. The Disciplinary Authority and Regional Manager, Hyderabad had acted only on the basis of the report of the Institute and could not substantiate the charges and did not produce any evidence. Thus the Enquiry Officer concluded in his findings/report that the bank could not prove the charges of unfair practices and the charge is not proved beyond reasonable doubt. The Appellate Authority turned down the Appeal, mentioning that Mr. M. V. L. N. Deo might have resorted to any other mode of unfair practices. According to para 19.6 of Bipartite Settlement, 1966 which reads as under:—

"An Employee found guilty of gross misconduct May—

- (a) be dismissed
- (b) be warned
- (c) have his increment stopped
- (d) have his Spl. Allowance withdrawn
- (e) his pay reduced to next lower stage
- (f) his misconduct condoned and be merely discharged
- (g) be fined."

Your honour will please observe that since Mr. M. V. L. N. Deo, has not been found guilty by the Enquiry Officer in his findings, based on which the Disciplinary Authority and Regional Manager, Hyderabad has awarded the punishment is illegal, the Disciplinary Authority and Regional Manager has no authority/powers to award punishment to Mr. M.V.L.N. Deo and the Bipartite Settlement 1966 which is implemented in the Bank does not allow the Bank management to act/take any of the above action in the situation arising when the Disciplinary Authority and Regional Manager, Hyderabad differs with the findings of the Enquiry Officer. It is clear that the Disciplinary Authority and Regional Manager, Hyderabad were only pre-determined to give some punishment to Mr. M. V. L. N. Deo and put him to lot of hardships and mental agony. The Regional Manager & Disciplinary Authority have no right to impose any punishment and is beyond the purview of their powers to take disciplinary action. This Hon'ble Tribunal may be pleased to hold that the punishments awarded to Mr. M. V. L. N. Deo as improper, unfair and illegal and that the order passed by the Disciplinary Authority and Regional Manager, Hyderabad on 25-6-1985 be set aside forthwith.

3. The brief facts of the counterfiled by the Respondent-Bank read as follows:—Sri Deo is working as a Clerk with Bank of Maharashtra since 26-6-1978 with Nanded/V-zag Branch. The Indian Institute of Bankers conducts examinations for awarding certificate which is helpful for the candidates/bank employees to improve their working career and knowledge of banking law and practice. Sri Deo had appeared for such an examination conducted by the Institute some time in November, 1981. Thereafter the Institute communicated to the bank that Sri Deo had resorted to unfair practices in the said examination conducted by them. For this act of misconduct Sri Deo was duly chargesheeted and regular departmental enquiry was concluded that Sri Deo was guilty of the misconduct and therefore awarded him the punishment of "Warning". The Appellate Authority also confirmed the punishment of warning after due consideration to the evidence and appreciation thereof before giving the said decision. It is submitted that whenever an employee is awarded the punishment for the acts of gross misconduct then he is disqualified from appearing for internal promotion examinations. This was the main grudge of Sri Deo that he should have been allowed to appear for the internal promotion examination which was to be held then irrespective of the fact that he was awarded punishment of warning and therefore he filed a writ petition before the Hon'ble High Court Andhra Pradesh praying the Court for direction to the Bank to allow him to appear for promotion examination. It is submitted that he was then allowed to appear for the examination and was considered as eligible to participate in the promotion process. In view of the same Sri Deo subsequently withdrew his writ petition though in the said Writ Petition he had raised a similar objec-

tion what has been raised in the instant dispute. The Bank would like to submit that it came to know the act of unfair practice resorted by Sri Deo only on receipt of communication from the Indian Institute of Bankers. The Bank is not aware whether Sri Deo has had challenged the decision of Indian Institute of Bankers debarring him for 2 years to appear for the Institute's examinations. It is true that Sri Deo was issued a charge sheet for the unfair practice followed resorted in the Institute's examination and a regular departmental enquiry was conducted against him and he was punished therefore Sri Deo was given full opportunity to defend his case before the Enquiry Officer and the principles of natural justice and equity were fully observed in the process of departmental enquiry. The charge sheet which was issued to Sri Deo was based on the institute's letter which was a sufficient proof for unfair practice resorted by him in the Institute's examination. Any additional evidence was not necessary to prove the charge levelled against him since the act of unfair practice was committed in the process of examination conducted by the Institute. The punishment awarded to Sri Deo was proper and justifiable. The main objection taken in the dispute is that the Enquiry Officer in his findings reported that the charges against Sri Deo were not proved. In the instant case the Disciplinary Authority and Appellate Authority have applied their mind and have held Sri Deo guilty of misconduct and punished him for the same. It is submitted that the very letter received from the Indian Institute of Bankers speaks out that Sri Deo has resorted to unfair practice in the examination conducted by the Institute was itself sufficient to award the punishment of warning to Sri Deo and the same is done in this case by the Bank. The circumstances do reveal that the Disciplinary Authority and Appellate Authority have applied their mind to the findings of the Enquiry Officer and they have confirmed the punishment awarded to Sri Deo. The Respondent Bank requests this Hon'ble Tribunal to reject the demands of the Union and pass the award in favour of the Bank. It is submitted that Sri Deo by filing petition No. 18043/87 before Andhra Pradesh High Court had sought one of the reliefs from the court for squashing and setting aside the punishment of "warning" awarded to him under the instant disciplinary proceedings. It is further submitted that the said Writ Petition was withdrawn by him without pressing for the orders on the issue of punishment of without speaking leave of the court over that issue. With the Rule of the Court to the effect that the said Writ Petition is dismissed as withdrawn and in view of the aforesaid position it is submitted that Sri Deo is now estopped from pressing further his alleged grievance about punishment even before this Hon'ble Tribunal because it would otherwise amount to interference with the Rule of the High Court in the matter of writ petition. It is therefore submitted that the instant dispute needs to be outrightly dismissed for this reason alone. It is further prayed that this Hon'ble Tribunal may treat this as a preliminary issue and decide the matter in favour of the bank without going into any merits.

4. The point for adjudication is whether the action of the Respondent-Bank is justified in punishing Sri M. V. L. N. Deo, Clerk for alleged unfair practice adopted in the examination?

5. No oral or documentary evidence have been adduced by both the parties. Both parties did not argue the matter. So this case is decided on the basis of claims statement and counter.

6. The allegation of the Petitioner Union that Sri M. V. L. N. Deo has appeared for the examination in November, 1981 at Visakhapatnam Centre of Indian Institute of Bankers, that there was an anonymous report about mass copying in the said examination at Visakhapatnam Centre, that the Institute of its own had observed that one question of Book Keeping and Accounts of Bank Reconciliation Statement tallied with that of another Clerk in Syndicate Bank and came to the conclusion that Mr. M. V. L. N. Deo had resorted to 'Unfair Practices' and debarred him from appearing the said examination for two years, that Mr. Deo had challenged the decision of the I.I.B. and issued legal notice to them also that the matter is being dealt with the Institute, that in the meanwhile the Regional Manager and Disciplinary Authority issued a Show Cause Notice and charge sheet to Mr. M. V. L. N. Deo and conducted a regular departmental enquiry that in

that domestic enquiry the Enquiry Officer concluded in his findings/report that the Bank could not prove the charges of unfair practices and the charge is not proved beyond reasonable doubt.

7. The contention of the Respondent Bank that Sri Deo had appeared for an examination conducted by the Institute sometime in November 1981, thereafter the Institute communicated to the Bank that Sri Deo had resorted to unfair practices in the said examination conducted by them, that this act of misconduct Sri Deo was duly charge sheeted and regular departmental enquiry was conducted against him, that the Disciplinary Authority concluded that Sri Deo was guilty of the misconduct and therefore awarded him the punishment of "Warning".

8. The main contention of the Petitioner-Union that since Mr. M. V. L. N. Deo has not been guilty by the Enquiry Officer in his findings, the Disciplinary Authority and Regional Manager has no authority/powers to award punishment to Mr. M. V. L. N. Deo and the Bipartite Settlement 1966 which is implemented in the Bank does not allow the Bank Management to act/take any of the above actions in the situation arising when the Disciplinary Authority and Regional Manager, Hyderabad differs with the findings of the Enquiry Officer.

9. A perusal of the Enquiry Officer's findings would show that "in view of the foregoing facts, I hold that the charge is not proved beyond any reasonable doubt." So when once found that Sri Deo is not found guilty, the question of imposing punishment by the Disciplinary Authority does not arise. So I find that the punishment of "warning" awarded to Sri Deo is not justified, since the charge against Sri Deo is not proved by the Enquiry Officer. So on this ground the punishment awarded to Mr. M. V. L. N. Deo is improper, unfair and illegal and the order passed by the Disciplinary Authority & Regional Manager, Hyderabad on 25-6-1985 is set aside.

10. In the result, the action of the Management of Bank of Maharashtra is not justified in punishing Sri M. V. L. N. Deo, Clerk for alleged unfair practice adopted in the examination. The order passed by the Disciplinary Authority and Regional Manager, Hyderabad on 25-6-1985 is set aside.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 9th day of February, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

NIL

नई दिल्ली, 4 मार्च, 1994

का.आ. 811.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2073 दिनांक 9 सितम्बर, 1993 द्वारा इंडिया गवर्नमेन्ट, मिन्ट, बम्बई को उक्त अधिनियम के प्रयोजनों के लिए 16 सितम्बर, 1993 से छः मास की कालावधि के लिए लोकोपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ठ) के उपखंड (vi) के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 16 मार्च, 1994 से छः मास की और कालावधि के लिए लोकोपयोगी सेवा घोषित करती है।

[संख्या : एस-11017/3/85-डी-1 (ए)]

एस. एस. प्रशर, अवर सचिव

New Delhi, the 4th March, 1994

S.O. 811.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of the sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947),

declared by the notification of the Government of India in the Ministry of Labour S.O. No. 2073 dated the 9th September, 1993 the India Government Mint, Bombay to be a public utility service for the purposes of the said Act, for a period of six months from the 16th September, 1993;

And whereas, the Central Government is of opinion that public interest requires the extension for the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declare the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 16th March, 1994.

[No. S-11017/3/85-D.I(A)]

S. S. PRASHER, Under Secy.

